

# THE TIMES



30P

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TUESDAY JULY 16 1996

THE TIMES GREAT SUMMER OF SPORT

SEVE'S LYTHAM  
AND BLUES  
John Hopkins  
recalls a thrilling  
Open climax  
PAGE 42

Seven held in bomb factory raids

## IRA blitz on gas and water plants foiled

BY STEWART TENDERLER AND BILL FROST

### Peace meeting

AN IRA plot to blast gas, water and power installations and cause massive disruption to London and the South East was foiled by Scotland Yard detectives yesterday.

Hours before the first bomb was due to be primed, armed police raided houses in south London and discovered 36 devices under construction. Seven men were arrested and last night police were hunting for a cache of up to 180lbs of Semtex. The head of the Anti-Terrorist Branch said that the bombers had been stopped "in the nick of time".

Their targets would have included electricity switching centres, pumping stations and gas plants. Bombs may also have destined for the rail network and police are studying several lists of other potential targets.

Police believe small but powerful bombs would have been used and the devices were similar to a new design first seen in a huge explosives find at Clonassie, Co Laois, two weeks ago.

The bombings would have been the most ambitious campaign mounted by the IRA in mainland Britain. The terrorist high command abandoned the use of young, unknown recruits and is believed to have gathered some of its most experienced hands. At least one of the men held is suspected of operating on the mainland before.

One police source said: "This is the A-team." Another senior officer said: "This is one of the best operations we have had and this was a first-class team the IRA put out. We have headed off some of the most important and experienced players they have sent over here for some years."

Three of the suspects were held at a house in Lurgard Road, Peckham, as police fired "rip rounds" of CS dust into the building. One was seized as he tried to flee naked. Inside the house police found 36 time and power units laid out charged and ready to be linked to explosive. Another four men were arrested in Woodbury Road, Tooting.

### Twins tragedy

Siamese twins born in a Glasgow hospital last week died in their parents' arms yesterday. The girls shared a heart and a lung, and doctors decided not to try to separate them because the parents did not want to sacrifice one for the other. The mother had been told only hours before delivery that something was wrong.

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## Law Society chief voted out after turbulent year

BY FRANCES GIBB, LEGAL CORRESPONDENT

MARTIN MEARS, the controversial president of the Law Society, was ousted from office last night after a knife-edge vote in which he was defeated by just over 600 votes.

He lost to Tony Girling, 52, a long-standing Law Society council member, by 641 votes, after the most turbulent year in the profession's history during which Mr Mears alienated large numbers of solicitors by his provocative statements and in particular his attacks on what he saw as the fashionable ideology of "political correctness".

A total of 32,437 solicitors turned out to vote — 45 per cent of those eligible in England and Wales — and ended Mr Mears' revolutionary era as leader of the solicitors' profession.

Mr Girling, managing partner in his own 27-partner firm Girlings, in Canterbury.



Mears: alienated large number of solicitors

polled 15,911 votes against Mr Mears' 15,239 votes. The other candidates in Mr Girling's team were also successful: Phillip Sycamore, a personal injuries lawyer, defeated Robert Sayer, now vice-president, by 16,319 votes to 14,852. Likewise, the third candidate

in the team, Michael Mathews of Clifford Chance, the City law firm, defeated David Keating, a high street practitioner of Hartlepool, by 16,080 votes to 14,359.

Last night Mr Mears issued a statement from his home in Norfolk, pledging that he would stand again. "I warmly congratulate Tony Girling and his associates on their victory," he said. "I will give them every assistance and co-operation for the benefit of the profession — particularly in opposing the legal aid White Paper."

Mr Girling said after his triumph that it would not be "business as usual" — an indication that he did not want to turn the Law Society back to the pre-Mears era. He said: "I dedicate myself to the service of the whole profession." He pledged to promote client service and access to justice.

## British Energy loss for small investors

BY CHRISTINE BUCKLEY

SMALL shareholders who bought shares in British Energy yesterday saw their investment slump 10 per cent in the worst privatisation since the market collapse in 1987 hit the BP offering. No other government sell-off has plunged to less than the original price on the first day of trading.

Private investors are further frustrated by the fact that they cannot bail out of their shares because they will not get certificates until the middle of next week and will only then know how many shares they have been issued.

The shares opened at 103p, the price of the institutional offering, but ended at 94p, having touched a low of 92p. This was despite BZW, the Government's brokers, having weighed in to the market to try to support the price. Some 606,000 applied for shares at a discounted rate of 100p. Shareholders should

start receiving the certificates by the end of the two-week closure of Hinkley Point B and Hunterston B, when it should be known if the stations need to remain closed for longer.

The stations were shut for technical problems hours after the end of the public offer.

Institutions still had time then to decide whether they wanted to invest.

Bob Hawley, British Energy's chief executive, denied that the small investors had been misled and said that the prospectus had drawn attention to the technical issues.

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# If only the Grand Old Duke of York had Sir Patrick to explain

**TOTAL** cock-up always brings out the best in the British, who cease carping and flock loyally to the defence of their leaders. In the Commons to discuss a cock-up of majestic proportions, the Northern Ireland Secretary found MPs readier to commiserate than to blame.

Sir Patrick Mayhew steadied his troops with masterly authority. After his impasioned defence of Northern Ireland's Chief Constable, we realised that the Grand Old Duke of York was anything

but wobbly. His ten thousand men were fortunate in their General. His Grace was a tower of strength, firm of purpose, a Hercules — but with bad PR. If the Duke had had Sir Patrick to explain, he would now be a national hero.

But surely, you ask, he did march his troops to the top of the hill? And surely he did march them down again?

Ah, but the situation had changed while they were on the hilltop! And, as Sir Patrick put it yesterday, "it would have been a weak man who,

recognising that circumstances had deteriorated gravely since the original decision, nonetheless, through fears of facile accusations of a U-turn, held — in quite different circumstances — to the original decision."

Lacking Sir Patrick's advocacy, the Duke of York's reputation has succumbed to those facile accusations. It could have been so different.

*Oh, the Grand Old Duke of York.*

*He had ten thousand men.*

*He marched them up to the top of the hill!*

*And, fearless in the face of facile accusations of a U-turn,*

*He marched them down again.*

The Northern Ireland Secretary received a restrained and mostly sympathetic reception in Parliament yesterday. Flanked by a Prime

Minister who looked profoundly depressed, he found only a few ready to point the finger of blame in any direction, and Mo Mowlam (his Labour Shadow) prepared only unwillingly to echo Peter Simple's fictional Dr Heinz Kiosk: "We are all to blame," she cried. But that's how it goes in British politics. If you

slip on a banana skin, everybody screams for your resignation. If you tip over the whole fruit-barrow, everyone calls for restraint at this moment of grave tension and national perplexity.

Peter Brooke, Sir Patrick's predecessor as Northern Ireland Secretary, listened in silence. Mr Brooke once sang *Oh My Darling Clementine* on Irish television. It brought down upon his head the abuse of the whole political establishment and the British media. He offered his resigna-

tion, staggered on, but never completely recovered. But that was because we all know the tune of *Clementine*. The affair amounted to no more than a small silliness. MPs understood the issues, and we were pleased to have an option on it.

Yesterday was different. MPs were faced not with a gaffe, but a monumental blunder. They were therefore out of their depth. It is unfortunate for Mr Brooke that he did not mortar-bomb the headquarters of Irish

Television. Instead of singing a song on it. He would then have been regarded as controversial rather than silly, his decision debated as a "difficult" one.

Among the few who spoke unambiguously, Dennis Skinner noted the Government's insistence that it stood aloof from operational decisions by chief constables. The aloofness, he said, was selective: it was a pity Arthur Scargill and his striking miners had not worn orange sashes and bowler hats.

**Blair puts fairness first for industrial policies**

BY ANDREW PIERCE  
POLITICAL CORRESPONDENT

TONY BLAIR last night promised the business community that he would not sign up to measures in the Social Chapter that would damage Britain's competitiveness.

In a letter to 10,000 businesses, the Labour leader said that he was aware that the Social Chapter and the minimum wage caused concern but insisted that he would only agree to policies that promoted fairness.

"A new Labour government will insist that any new measures adopted under the Social Chapter promote fairness, not inflexibility. It will not be used to import foreign social security systems or ways of organising the boardroom," he wrote.

Mr Blair accused the Tories of gross distortion of the contents of the Social Chapter. "There are in fact only two measures agreed under it. Consultation for employees in Europe-wide companies and parental leave. Neither of these pose any threat whatsoever to the competitiveness of British companies. Indeed, many of our largest firms have voluntarily adopted works councils."

Mr Blair also made clear that a Labour government would be reasonable in its approach to setting up a minimum wage. "A figure will not be plucked out of the air arrived at by an arbitrary formula. There will be full consultation with business, including small firms, and proper account will be taken of the economic situation."

"I hope that by making clear our plans, I will assure you of new Labour's commitment to the success of British business. My aim is to create a constructive and positive partnership between business and a Labour government."

**Goldsmith's Labour militants, page 16**

## Joan Lestor creates gap in Shadow Cabinet

BY PHILIP WEBSTER, POLITICAL EDITOR

LABOUR'S Shadow Cabinet elections took a fresh twist yesterday when Joan Lestor, the veteran leftwinger and Shadow Minister for Overseas Development, announced that she would not be standing in next week's poll.

Her decision, creating an unexpected vacancy in Labour's 19-strong elected high command, raised the prospect of a larger field entering the race than had been thought likely.

Supporters of Tony Blair are clearly hoping that the existing team will be re-elected, with Jack Cunningham, the Shadow Heritage Secretary, eliminated last year, replacing Miss Lestor.

Miss Lestor's move may boost Harriet Harman's chances of re-election but Dawn Primarolo, a member of Gordon Brown's Treasury team, was also considering her options last night.

As a prominent leftwinger and long-time member of the Campaign Group, Ms Primarolo is regarded as more likely than Ms Harman to pick up Miss Lestor's votes. All Labour MPs have to cast votes for at least four women. A fierce campaign involving



Lestor joined Labour Party 41 years ago



Mark Payne and 6ft 2in Ira Emelianova, who is temporarily protecting him

## GP hires Russian wrestler to protect him on night calls

A FAMILY doctor worried about his safety during night visits has hired a world champion woman wrestler as a bodyguard.

Dr Mark Payne had become so intimidated by gangs of youngsters during his night calls in Birmingham that he signed up Ira Emelianova, who is 6ft 2ins and 14 stone.

She is the reigning world champion at sambo wrestling, a form of self-defence popular in her native Russia.

Her prowess has attracted the makers of the James Bond films, who have approached her about a part in the next 007 movie.

Dr Payne said he decided to

draft in Ms Emelianova after a call at the weekend when he was attacked by a dog and threatened by a patient's relative.

"I don't think anyone would be mad enough to take on Ira in a fight," he said.

"I know she rather lives up to the stereotype of the macho Russian woman, but she is gentle at heart. Still, when she is at work, the only thing on her mind is to protect herself and she does that with extreme prejudice. She takes no prisoners."

Ms Emelianova has accompanied Dr Payne on calls for the past two nights. Unsurprisingly, Sunday night passed off without incident.

Ms Emelianova, who is in Birmingham on holiday with her husband Constantine Timovitski, is famous in her homeland as a wrestler. She commands a huge salary for her sideline as a bodyguard, working for women politicians and daughters of prominent personalities.

Dr Payne befriended Mr Timovitski while the couple were on a visit to Britain 18 months ago and invited them over for a return visit. He said Ms Emelianova would be on stand-by for the next week before she returns home to begin her preparations for the next world sambo wrestling championships in Japan.

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## Tories avert Forces homes sale revolt

BY ANDREW PIERCE, POLITICAL CORRESPONDENT

MINISTERS appear to have averted a Tory backbench revolt today over the proposed sale of 60,000 Armed Forces married quarters thanks to a report that gives backing to the plan.

The Commons Defence Select Committee has brought forward to today the publication of its report into the sale of the married quarters. It gives qualified support to the sell-off, which would include a £100 million upgrade for military homes.

"It has been a fiasco," said one senior committee member. "The report is highly critical of the way the issue has been presented although broadly we support the plan."

But at least two Tory MPs have vowed to vote for a motion calling for more consultation with military families before the sale goes ahead. Julian Brazier, MP for Canterbury, said: "I will feel I have no alternative if I have been opposed to this all along." Cyril Townsend, MP

for Bede Heath, and Nicholas Winterton, MP for Macclesfield, have also been highly critical.

Defence ministers, led by James Arbuthnot, yesterday tried to win round the rebels.

The Select Committee report, which was passed unanimously, will still make uncomfortable reading for Michael Portillo, the Defence Secretary. It contains sharp criticism of the timing and handling of the sale.

"It has been a fiasco," said one senior committee member. "The report is highly critical of the way the issue has been presented although broadly we support the plan."

But the report will also make clear that the committee does not believe that the £100 million upgrade is enough.

Dr Arbuthnot added: "It is

possible that we might find life."

detected ozone, the gas that shields the Earth from the Sun's rays and makes our planet habitable. "Stars do not make ozone, only Earth-like planets do. It is hoped to have Darwin launched by 2015," she said.

The Earth-like solar system, which has a star called Vega at its heart, was first seen in 1983. Dr Walker said the solar system is, edge to edge, 900 Astronomical Units or 93 billion miles wide. "It is a similar size to ours and Vega is about as old as our Sun."

Dr Walker added: "It is

possible that we might find life."

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## Aspiring barristers face big dinner bill in training reforms

By FRANCES GIBB, LEGAL CORRESPONDENT

HUNDREDS of trainee barristers will have to travel to London from regional universities to eat traditional qualifying dinners under plans to expand training for the Bar. Some will log more than 10,000 miles.

The decision, made on Saturday by the profession's governing body, ends the monopoly of the training of barristers in London by the Inns of Court School of Law (Bar School) from autumn next year. It will also oblige would-be advocates to travel to the Inns of Court in London to eat dinners in hall.

Bar students must still eat a total of 18 dinners as part of their training. The idea is that they mingle in the dining hall with judges and senior barristers and absorb the ethos of the profession.

Students at the University of Northumbria at Newcastle, for instance, will have to travel more than 10,000 miles to qualify as barristers: the

round trip of 548 miles multiplied by 18. A trip by train from Newcastle would cost £198 return with an overnight stay, a total of £3,564.

The cost will add considerably to the expense of their course, which is unlikely to be much less than the £5,000 charged to Bar students in London. There have been moves to reduce the number of dinners that Bar students must eat or, alternatively, to combine these with a training weekend or conference, but these are on hold until other Bar reforms are implemented.

The seven bodies validated to run the Bar vocational course are the BPP Law School in London; the College of Law (both full and part-time courses) in London, which is the main training body for solicitors; the Inns of Court School of Law; Nottingham Law School; the University of Northumbria at Newcastle; and the University of the West of England (Bristol), with the

Law, pages 21, 31, 33

## Race to find £2m to stop export of painting

By PETER FOSTER

THE fate of an important 17th-century painting by the Italian artist Il Guercino is uncertain today after a government order delaying its export to America expired at midnight last night.

Timothy Clifford, director of the National Galleries of Scotland, was given six months to raise more than £2m million to match a bid from the Getty Museum in Los Angeles for *Erminia Finding The Wounded Tancred*.

The picture, which has hung in Castle Howard in Yorkshire since 1772, is considered one of the masterpieces of Guercino's late work and part of the national heritage. A private sale, agreed between its owner, Simon Howard, and the Getty Museum, has been delayed in Whitehall for six months to give the National Galleries time to save the painting for the nation.

The vivid picture, which is the last Guercino remaining in private hands, depicts a scene from Torquato Tasso's



Export ban lifted: *Erminia Finding the Wounded Tancred*, by Il Guercino

epic 16th-century poem on the Crusades. Dating from 1649-50, it was bought by England in 1772 during the golden years of English collecting by Frederick Howard, fifth Earl of Carlisle.

Mr Clifford said yesterday that he was still short of the total needed but was "reasonably optimistic" that the money could be raised. The Heritage Lottery Fund has

already promised £1.5 million if Mr Clifford raises a further £500,000.

Last night the National Art Collections Fund was meeting to discuss an application for a further £300,000 grant, leaving Mr Clifford in need of a further £100,000 to £200,000 to match the Getty bid.

Yesterday the Heritage Department said that the export deferral order would expire at

midnight and that the Secretary of State would be reviewing the situation over the next few days.

Mr Clifford's fight to save the painting comes two years after he led a successful campaign by the National Galleries of Scotland and the Victoria and Albert Museum to stop the Getty Museum from buying Canova's sculpture *The Three Graces*.

## Fiancée of road rage victim in car crash

By MICHAEL HORSNELL

POLICE engineers have examined a car driven by the fiancée of Stephen Cameron, murdered in May in an apparent road rage incident, after it was involved in an accident at the weekend.

Danielle Cable, 17, had been driving home after visiting Mr Cameron's parents in Swale, Kent, when the accident happened on the A20. She was with Mr Cameron, 21, when he was stabbed to death during a roadside argument with the driver of a Land Rover Discovery, only four miles away, off the M25, in May.

Ms Cable escaped without serious injury after the accident at Orpington, southeast London, on Saturday in which her Ford Escort rolled down a soft embankment. No other vehicle was involved. She managed to climb back to the road and flagged down a vehicle.

After fears that the car might have been sabotaged, police engineers examined it for tampering but yesterday declared there had been nothing wrong with it.

## Dean of Lincoln attacks Carey for resignation call

By RUTH GLEDHILL AND PAUL WILKINSON

THE Dean of Lincoln criticised the Archbishop of Canterbury yesterday after he called publicly for the resignation of the Dean and sub-Dean.

The Very Rev Brandon Jackson was on holiday considering his position when Dr George Carey called on him and Canon Rex Davis, his sub-Dean, to resign. In a statement issued yesterday on his return, Dr Jackson, 61, said: "It is regrettable that a matter which the Archbishop held out to those whom he met with as being 'private and pastoral' should have been projected by him into the public domain.

"While a private arrangement between Church members, be they so-called dignitaries of the Church or not, is one thing, such a public pronouncement with a attendant press conference trapings has overtones that do not seem appropriate to the structure of legal relationships or for precedent-setting methodology."

Canon Davis has already said that he has no intention of stepping down. At the time of the Archbishop's intervention Church sources said that the Dean, probably would go, choosing his moment to preserve dignity; but yesterday Dr Jackson said that Dr Carey's highly public actions and Canon Davis's subsequent comments had altered the situation and he was considering his position anew.

The Dean has been at loggerheads with clerical colleagues at Lincoln Cathedral since his appointment in 1989, on the recommendation of Margaret Thatcher, to sort out problems in the administration.

Woodrow Wyatt, page 16



Jackson: position over resignation has altered

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## Tourists delayed by holiday hitch list

By HARVEY ELLIOTT, AIR CORRESPONDENT

NEARLY 400 holidaymakers were stranded at Gatwick for more than 24 hours after a series of problems which included a crashed fighter plane and striking Greek air traffic controllers.

The Caledonian Tristar on which 393 passengers were due to fly from Gatwick to Preveza and Kefalonia in Greece was stuck in Malta because of delays caused by Greek air traffic control, the airline said. When it was given clearance to leave for Gatwick to pick up the passengers on Sunday, its crew was not allowed to fly it because they

had gone over their legal flying hours.

The passengers at Gatwick were put up in hotels and promised an early departure yesterday. When the plane arrived, it developed a technical fault. The airline was then informed that a military aircraft had crashed on the runway at Preveza, putting it out of use for bigger aircraft such as the Tristar.

It could land only at Kefalonia, where some passengers were heading. The airline then chartered a ship and last night took the other 263 passengers to their destination.

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# Marriage of 15 years is wound up in 2 minutes

BY ALAN HAMILTON

CASE 5029 in the Principal Registry of the Family Division of the High Court yesterday could not have been in greater contrast to the wedding of the century in St Paul's Cathedral 15 years ago, when crowds lined the streets and a television audience of millions looked on.

In a bare, functional courtroom decorated in pallid Civil Service easu-de-nil, the marriage of the Prince and Princess of Wales was provisionally ended in a swift and unadorned legal production process lasting barely two minutes. There were 31 other uncontested divorce petitions.

Senior District Judge Angel granted the couple a decree nisi, which cost the Prince £80. In six weeks' time he will be able to apply for a decree absolute, ending the marriage for an additional fee of £20. In the unlikely event that either party has a change of mind before then, they can appeal.

The only witnesses to the historic moment were the judge, his clerk Mrs Carol Burry, a doorkeeper and 28 journalists. The brief proceedings are held in open court, but no member of the public took advantage of the opportunity. As for the parties themselves, the Prince was thousands of miles away helping the Sultan of Brunei to celebrate his fiftieth birthday. The Princess remained at Ken-

sington Palace, where she is rumoured to be planning a holiday to France with her fellow divorcee, the Duchess of York, whose marriage was ended by the same judge in the same room six weeks ago.

Documents relating to the case, which are open for public inspection, show that the Prince signed his petition for divorce at St James's Palace last Thursday, the day before the official announcement by the couple's lawyers and Buckingham Palace. Simple questions and answers on the pre-printed affidavit form tell the sorry story in the bleakest detail.

Question 4: State the date on which you and the respondent separated. "November 1993 was the date on which we officially separated."

Question 5: State briefly the reason or main reason for the separation. "Both myself and the Respondent recognised there were irreconcilable differences and that accordingly we could no longer live together."

Question 6: Since the date given in the answer to question 4, have you ever lived with the respondent in the same household? "No."

The answers, in fact, are not quite correct. John Major announced the Wales' separation to the Commons on December 9, 1992, and their official parting is assumed to

have commenced from that date. After drawing up detailed settlement proposals, the Prince's solicitors, Farer & Co, made a clerical error at the last moment when faced with preparing a petition within hours of the Princess's acceptance of a financial offer believed to be worth £17 million. The error had no effect on the proceedings: even with the wrong starting date, the couple had been apart for the requisite two years.

The judgment is enshrined in the certificate of decree nisi, which states: "On the 15th day of July 1996, The District Judge held that the petitioner and respondent have lived apart for a continuous period of at least two years immediately preceding the presentation of the petition, and that the respondent consents to a decree being granted."

Robin West, the court manager, said as he ushered out the journalists that very few people turned up to see their own marriages ended. "To all intents and purposes, the hearings are a bit of a non-event." Even case 5029, which reduces princely fame to the common herd and a dull sheet of paper.



The Sultan and Prince of Wales at a Brunei Armed Forces march-past yesterday

Prince joins Sultan for birthday blowout

THE Sultan of Brunei celebrated his fiftieth birthday yesterday in a style befitting his status as one of the world's richest men — in the company of the Prince of Wales and the singer Michael Jackson.

Hassanal Bolkiah Mu'izzaddin Waddaulah, Prime Minister, Finance and Home Affairs Minister and absolute ruler of the oil-rich speck on the island of Borneo, is spending about £10 million on his birthday bash, government sources said.

About £10 million has been set aside for three apparently free concerts by Jackson at Jerudong amusement park, the largest in southeast Asia, which never charges admission for Brunei residents or foreign visitors.

Another £6 million has been spent on food and non-alcoholic drinks for the sultanate's 300,000 residents, and the capital is bedecked with bunting and flags. In his birthday speech at his 1,700-room, gold-domed palace, the Sultan again reminded his people of the need to diversify his country's oil-based economy.

IN THE HIGH COURT OF JUSTICE

PRINCIPAL REGISTRY OF THE FAMILY DIVISION

Decree nisi certificate for the Prince and Princess and their signatures on the divorce papers

*Charles* *David*

**Man was 'justified' in stabbing burglar**

BY A STAFF REPORTER

A MAN who came home to find a burglar ransacking his flat was fully justified in seizing a kitchen knife and stabbing him, a judge at the Old Bailey said yesterday. The burglar, Brian Firmager, 32, later died from a heart attack on the operating table at Guy's Hospital, where his accomplice, Tony Garrard, had taken him after they fled.

Firmager had attacked John Campbell with a pepper spray and baseball bat when he returned to his home and disturbed the burglars. "I have not the slightest doubt, that, in my judgment, Mr Campbell was fully justified in what he did in lawful self defence," Brian Higgs, QC, the Recorder, said. He jailed Garrard for six years for the aggravated burglary at Mr Campbell's flat in Holborn, central London, last January.

"Thugs like you who attack householders in this country and subject them to the violence that you two did cannot be surprised if the householders fight back in self-defence," the judge told Garrard. When Garrard, 34, from Lee, southeast London, heard of the death of Firmager, from Bromley, southeast London, he went straight to police in tears and confessed, the court was told. "He still experiences the agony of it," Geoffrey Cox, for the defence, said. "This man has had it brought home to him the sheer absurdity, folly and error of his ways."

The burglars had picked Mr Campbell as they believed he had money from alleged drug dealing. They struck when Mr Campbell and a man who shared the house were out, attacking them when they returned. Firmager hit Mr Campbell about the head with a baseball bat, continuing the assault even after he had been stabbed.

The Crown Prosecution Service had considered prosecuting Mr Campbell but decided there would be no proceedings as it was thought to be self-defence. Mr Campbell, who needed three stitches after the attack, is awaiting trial on two drug-related matters.

**Former boss sent letter bomb after takeover**

BY STEPHEN FARRELL

A FORMER managing director was jailed for four years yesterday for sending a letter bomb to the company that ousted him in a takeover. Alvin Burgess had become obsessed that staff at Qualtec Engineering, Hereford, were opening his letters, Worcester, Crown Court was told.

Burgess, 36, built a potentially lethal explosive using about 140 grams of firework gunpowder and a nine-volt battery. The bomb was defused after employees noticed tubes protruding from the padded envelope. Burgess, of Droitwich, Hereford, and Worcester, admitted sending an explosive device with intent to burn on May 18 last year.

Judge David McEvoy, QC, was told that Burgess, who had set up the company, was made redundant in 1993 when Ralph Engineering took it over. He disputed the valuation of his firm and, while his divorce was being negotiated, his wife discovered that he had had a £30,000 payoff.

He became unhinged, over business and personal problems, Henry Graham, for the prosecution, said.

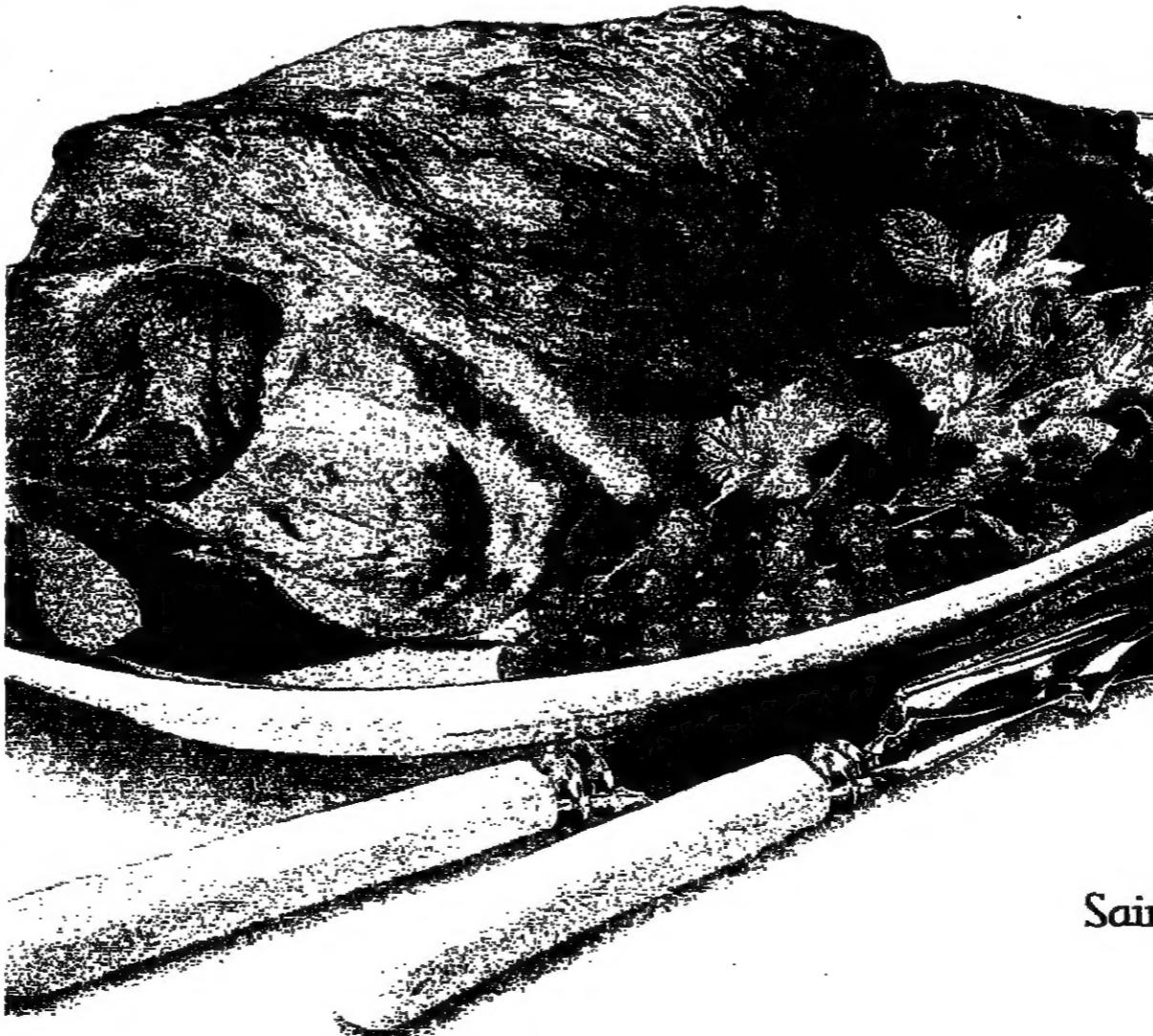
Philip LeCornu, for the defence, said Burgess had not intended to hurt anyone but was such a perfectionist that he had to make a real bomb instead of a hoax device.

#### CORRECTIONS

□ Mrs Jennifer Powell, who is claiming unfair dismissal by the management company Chesterfield House (report, June 28) was a manager of that company, and not of Fenwick, the department store.

□ The Crown Prosecution Service offered evidence against Robert Mazure (report, July 9) on a charge of murder, but that charge was dismissed at committal. A later attempt to have the charge added to an indictment for perverting the course of justice and assault was rejected by a High Court judge.

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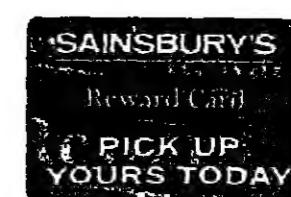
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Act aimed to protect public morals

# Judge invokes 1926 law to curb reports on Moynihan case

By KATHRYN KNIGHT AND FRANCES GIBB

THE colourful life and nefarious times of the late Baron Moynihan will remain shielded from the public eye after a High Court judge invoked a 1926 Act. The Judicial Proceedings Act, originally framed to protect the populace from moral outrage, is also used to restrict press coverage in contested divorce proceedings.

Yesterday's case was initially brought to settle competing claims to the ancestral title of the third baron, who died from a stroke in 1991. At the time he was running a string of brothels in the Philippines, where he had fled 21 years earlier to escape a string of fraud charges. Two boys, aged seven and five, whose Filipino mothers claim they were Lord Moynihan's fourth and fifth wives, are laying claim to the title.

However, the case has now developed into arguments about the validity of Lord Moynihan's divorce decree from his fourth wife. The decision will help to resolve the women's competing claims to the title for their sons, Andrew and Daniel.

The court must decide whether Lord Moynihan's divorce from his Filipino fourth wife, Editha, in 1990 was fraudulently obtained, and his subsequent marriage to Jinna, a retired belly-dancer, therefore bigamous.

Lord Moynihan's half-brother, Colin Moynihan, 40, the former Tory Sports Minister, is keeping a watching brief at the hearing because he stands to inherit the title if Editha's and Jinna's children are proved illegitimate.

Legal argument centred yesterday on whether the case amounted to a contested divorce case and therefore whether press coverage should be restricted until the end of proceedings, as with other contested divorce cases.

Coverage of divorce proceedings are restricted under the Judicial Proceedings (Regulation of Reports) Act 1926, originally framed to

restrict coverage of any court proceedings if it could be seen as injuring public morals. That function is rarely involved. But Sir Stephen Brown, president of the Family Division of the High Court, ruled that the spirit of the Act was relevant to the case. He therefore restricted coverage and ordered that reporting should be limited to names of parties and witnesses, charges and any counter charges, until he gives his ruling at the end of the hearing.

The case promised an



Colin Moynihan: wants to see the case settled

get on with his political life. He wants to stand as an MP again — he lost his Lewisham seat in the 1992 general election — but if both the boys are ruled out of the title, he will not be able to offer himself as a candidate because he will become the Fourth Baron Moynihan and be elevated to the Lords.

Lord Merton, QC, representing the Queen's Proctor, told the judge that the decrees nisi and absolute granted to Lord Moynihan by Tunbridge Wells County Court in 1990 were void. It follows that his marriage to his fifth wife, Jinna, 31, would also be void because it was bigamous and their son Daniel would be illegitimate and therefore would not have a claim to the title.

Lord Moynihan's fortune in the Philippines — he left Britain with virtually nothing — will not be settled at this hearing, but is expected to go to one of the battling wives in Manila. Details of proceedings in the High Court will have to wait until Sir Stephen gives his judgment at the end of the hearing, which is expected to last 10 days.

The 1926 Act had a wider use when framed, which was to protect the populace from moral outrage as result of reading of "indecent matter" arising from any court reports. Under the Act, courts still have power to impose restrictions on what may be reported of "indecent matter". No report of proceedings may include indecent matter, or indecent medical, surgical, or physiological details, the publication of which would be calculated to injure public morals.

It is rarely used. Butterworth's textbook, *The Law of Journalism*, notes that "since public morality is in a constant state of flux it is hard to define those matters which would today be held to offend against this rule".

Mr Moynihan said outside the court that he does not care which way the decision goes as long as it is settled and he

Leading article, page 17



Children at St Luke's School in Wolverhampton praying for their friends and teachers. The photograph was taken at the school's invitation



Mrs Bennett welcoming the children at assembly

## Children return to school a week after machete attack

By A STAFF REPORTER

SMILING children returned to St Luke's School in Wolverhampton yesterday a week after a man attacked the nursery class with a machete.

Denise Bennett, the head teacher, greeted the children as they arrived with their parents. Police guards were posted at the front and rear entrances and the teachers arrived wearing personal alarms.

Only the nursery children were absent after the attack seven days ago which left three of them and four adults seriously injured. The nursery unit, where the attacker struck after a teddy bear's picnic, remained closed.

But as the children began

to arrive shortly after 8.30am, a sense of normality began to return to the school in Blakenhall. Youngsters said goodbye to their parents and joined their friends in each of the school's five classes, receiving a warm welcome from teachers. Then they filed into the school hall, brightly decorated with montages, including one of a rainbow saying: "Happy Days at St Luke's".

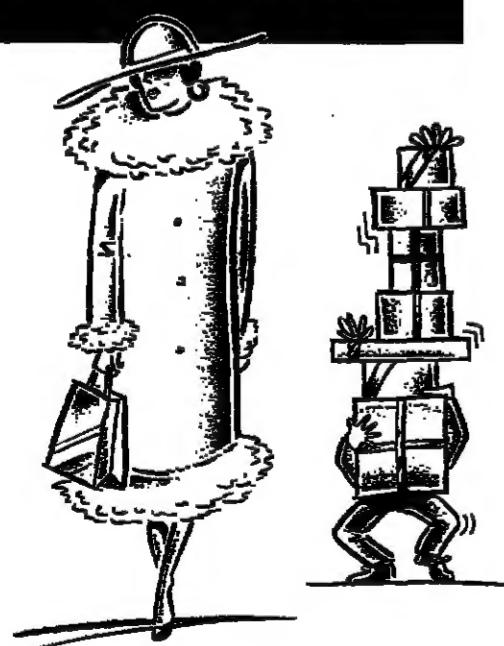
The children sat on the floor in a half-circle as Mrs Bennett told them: "We have had a really difficult time over the last week. What happened in our school was a terrible thing, but we have been thinking about you every day. By working together we can start to rebuild and feel happy again."

The children said a prayer for those injured in the attack and sang the hymn *Praise Him*. Mrs Bennett read them a story, *The Wind and the Waves*, about Jesus in a storm and compared it to the trauma experienced by everyone in the school.

The assembly finished with the children saying another prayer and singing a song, *I'm Special*.

After the assembly Mrs Bennett said that she was extremely heartened by the support of parents and children. She said that by working together they could overcome what had happened.

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		W	£227.94	£268.97	£337.32	£475.79
£7,500	13.8%	£214.28	£244.18	£287.98	£347.68	
		W	£170.98	£201.50	£252.89	£356.85
£5,000	13.8%	£142.84	£162.80	£198.66	£271.77	
		W	£113.97	£134.34	£168.68	£237.90
£4,000	13.8%	£120.44	£138.60	£164.35	£222.83	
		W	£98.08	£112.28	£138.53	£194.79
£2,500	13.8%	£75.27	£85.82	£102.72	£139.08	
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## Doctors urge tougher limits on drink-driving

By JEREMY LAURANCE, HEALTH CORRESPONDENT

THE legal blood-alcohol limit for driving should be cut from 80 milligrams to 50 and random breath-testing introduced to enforce it, the British Medical Association said in a report published yesterday.

As the report was being published, a group of concerned organisations called for new legal limits on drink-driving to cut the 500 deaths caused every year by motorists who drink too much.

The BMA report, which is backed by the cross-party Parliamentary Advisory Council for Transport Safety and the pressure group Alcohol Concern, says that seven of the 15 countries in the European Union have limits of 50mg or less, including France, which reduced its limit from 80mg last September.

Dr Fleur Fisher, the BMA's head of science, said: "The evidence in our report shows you don't have to be drunk to be a drink-driver who kills or maims. As soon as blood

alcohol rises above zero, your body reacts behind the wheel goes steadily downhill."

The report, timed to coincide with the start of the Government's summer drink-drive campaign today, says that a reduction in the blood-alcohol limit in Australia from 80 to 50mg, combined with random breath-testing, dramatically reduced drink-driving.

It cut by 90 per cent the number of motorists with blood alcohol levels between 50 and 80mg and it reduced by 41 per cent the heavy drinkers caught driving with over 150mg of alcohol in their blood.

Dr Fisher said: "It didn't just impact on the moderate drinkers, it affected the heavy drinkers too."

Robert Gifford, director of the Parliamentary Advisory Council, said that although the association had been pressing for six years for lower limits without success there was now a more receptive

## Anti-guns campaign launched

By RICHARD FORD  
HOME CORRESPONDENT

RELATIVES of victims of the Dunblane and Hungerford massacres will launch a campaign today to ban private ownership of handguns.

Gill Marshall-Andrews, a local government official who has set up the Gun Control Network, said: "After Hungerford, there was no public inquiry but there was a general expectation that a lot would be done and really very little was done. It is dangerous to assume that because the public expects something to happen, it will necessarily happen."

"We know the gun lobby is gearing itself up to launch a campaign against increased controls. They are building up resources for that purpose. We are countering that."

One member of the group is Mick North, 48, a university lecturer, whose wife died of cancer in 1993 and whose daughter Sophie, 5, their only child, died at Dunblane. He said in a statement: "Hungerford was described as unprecedented. Clearly it was not. Changes made in its aftermath were minimal and failed to protect my daughter and her friends. The danger to the public from legally held weapons is still there."

The shooting world is mounting a strong lobbying campaign and has asked gun users for £25 each towards the fight to prevent handguns being banned.

## Recompense for lottery winner

A MAN who hires out gambling machines has got his own back against his biggest rival by winning £1.8 million on the National Lottery. Robert Deakin, 50, who lets one-arm bandits to pubs and clubs, and his wife won a share of the £22 million rollover jackpot last weekend.

The lottery has been hitting our customers very badly because people don't play the machines as much. So it's certainly nice to get some money from the lottery for a change. Revenge is very sweet," he said.

Mr Deakin, of Porthcawl, Mid Glamorgan, was on holiday in Bruges, Belgium, with his wife, Marcia, 48, a care assistant, when they checked their lottery coupon on the hotel's teletext service. Mrs Deakin had not selected her usual six numbers because she forgot her glasses when marking the coupon.

"When I realised that my randomly chosen numbers were all on the ticket in my

handbag we decided to abandon the holiday and come home immediately via the Shuttle," Mrs Deakin said. "It hasn't really sunk in yet. Now we're planning to take the whole family on another holiday, probably to America."

The Deakins, with daughter Nichola, 25, a pharmacist, Laura, 18, a student, and Jonathan, 27, a technician, received their cheque for £1,325,101 at a champagne reception in Cardiff yesterday.

Eight of the 12 who shared the jackpot prize have so far come forward to claim their winnings, with seven wishing to be anonymous.

The Deakins with Nichola, left, Jonathan and Laura

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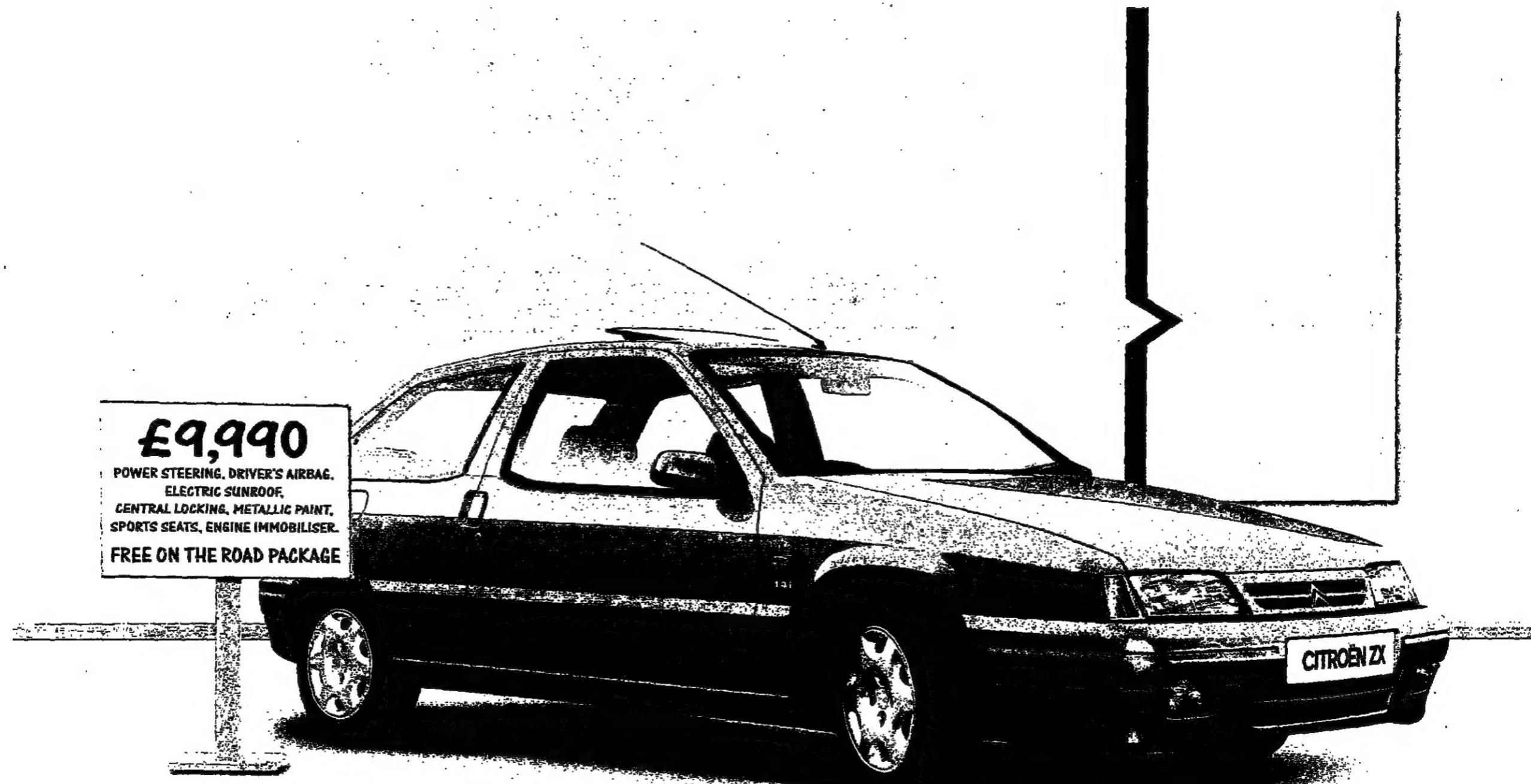
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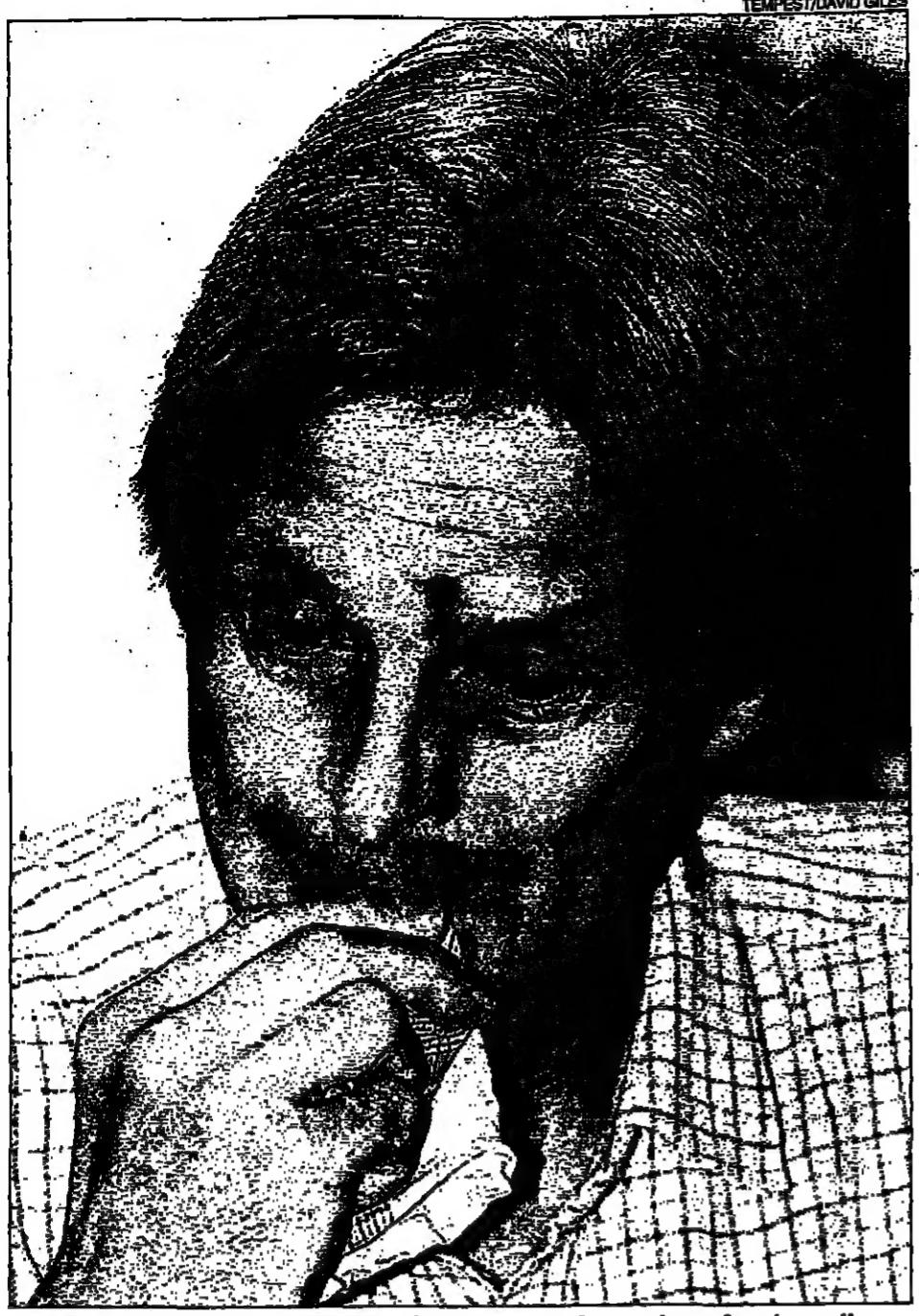
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JUNE 1ST - AUGUST 31ST



Shaun Russell yesterday. Police praised his courage in agreeing to face the media

## Bereaved father tells of shattered family life

BY RICHARD DUCE

THE husband of Lin Russell, who was murdered with her daughter last week in a field, said yesterday that having to help the girl's injured older sister to recover kept him going. Shaking, and clutching a handkerchief, Shaun Russell, 44, said that Josephine, aged nine, was recovering slowly from serious head wounds inflicted by the hammer-wielding attacker. She is good at drawing and might be able to sketch the person who killed her mother and six-year-old sister, Megan.

"Every time I go to see her she is a little better," Dr Russell said of Josephine. "The doctors tell me she will have some impairment to her speech and mobility but should retain her intellectual capabilities. Yesterday she came out of intensive care and is now in a high-dependency unit and she's off the ventilator.

"She's got one eye open and is able to focus on me. She knows who I am but she can't talk. She doesn't yet know that her mother and sister are dead. I can't bring myself to tell her."

Dr Russell, a botanist who lectures at the Durrell Institute of Conservation and Ecology in Kent, clutched the hand of a police officer as he said that his wife, a geologist, and daughter would be buried in the countryside of North Wales that they loved.

He described how the family had moved to Nonington, a

village in Kent, from Snowdonia a year ago when he had been unable to find a new job. "We chose a beautiful part of the country to move to. I suppose to some people it was the idyllic life, with a beautiful listed cottage in the country. Lin had dedicated herself to building up the garden. We had ponies, the cats, dogs, the walking and cycling to school.

"The girls were very much country children. They grew up in South Africa and were both tomboys. They never needed television or many toys. "They used to build dens and ride their ponies and make things. We never felt threatened or unsafe. We lived for 15 years in South Africa and two years in Namibia. Nothing horrid has ever happened to us before."

"Josie was four when she left [Africa]. She remembers crocodiles and canoeing on the Zambezi but we never felt unsafe. I stayed in my house for the first time last night [since the murders]. I saw the roads and the lanes in a different light from the way I did previously."

Speaking of the killer, believed by police to be a local man who had planned the attack, Dr Russell said: "The best thing that that person can do for everybody's sake and even for his own sake is to come forward."

"I fear for the safety of everybody who he is near — any animals he is near. He



Josephine: she is now out of intensive care

killed my dog as well as my wife and child."

Police want to trace the driver of a car seen dumping a string bag into a hedge not far from the murder scene. Police found that the bag contained swimming costumes belonging to the girls. The man they want to trace is between 35 and 40, and about 5ft 6in tall with light coloured hair. He was driving a saloon car.

Dr Russell said that a week before the murders, an intruder had come into the garden and stolen a plant pot. "We talked of varying our movements so anyone wanting to steal from us wouldn't know our routine." He said that, for

the few days before his wife was attacked, he had been collecting the children from school by car.

Mrs Russell was to have

had more use of the car but, on the day of the murders, her husband had taken it to work because he needed to return a bicycle he had bought that had broken. "But Lin probably wouldn't have taken the car anyway because she and the children enjoyed walking so much," he added.

He said he did not know what he would do once Josephine was out of hospital. "I have a chance of a job next year working on the slopes of Mount Kilimanjaro. Josie would like that — she loved Africa — but we will have to see what her intellectual capabilities are."

"I swing between periods of complete desolation, but most of all I'm thinking about Josie. I want to get her over all this and back to some kind of life. I don't know what sort of life that will be but it will be the best I can give her."

Detective Chief Inspector David Stevens, who is leading the murder inquiry, said that Dr Russell had shown great courage in agreeing to be interviewed by the press. "It was very difficult for him but it was something he realised he should do to help the police."

Police have received many calls from the public and two have led to further confirmation that the Ford Escort-type car was seen in the area of the murders.

### NEWS IN BRIEF

#### Stab victim to undergo Aids test

A security guard is to be tested for Aids after a burglar stabbed him with a hypodermic needle which he said contained infected blood.

The guard, 29, and a colleague were attacked by two burglars as they patrolled a factory owned by United Distillers in Laindon, Essex. Police said that one of the burglars plunged the needle into the guard's arm. Both men were left bound. The burglars stole a cash dispenser containing several thousand pounds.

#### Fantasy job hunt

More than 8,000 people have applied to audition for 300 jobs as "crew members" at Segaworld, the world's largest indoor theme park, which is to open at Piccadilly, London, this year. The park will provide virtual reality rides and games for up to 1.75 million visitors a year.

#### Reynolds payout

Albert Reynolds, the former Irish Prime Minister, accepted £10,000 damages and an apology from the publishers of a book describing him as a liar. Guinness Publishing admitted there was no truth in the allegation in *The Guiness Book of Political Blunders*, which was withdrawn.

#### False prophet

A woman appeared before magistrates in Llanelli accused of being a bogus medium. Geraldine Lee, 54, who lives at the Morfa gypsy camp in Llanelli, was charged under the Fraudulent Mediums Act of 1951. She was granted bail and the case was adjourned for two weeks.

#### £5m Ecstasy haul

Five men are due to appear in court today after the seizure of Ecstasy tablets with a street value of £5 million during a customs search of a car at the French end of the Channel Tunnel. The men, who will appear before Dover and Folkestone magistrates, come from east London and Essex.

#### Berlin medal sale

A gold medal won at the 1936 Olympics in Berlin is up for auction today. It was won by Major Lionel Emmett, 83, a member of the Indian hockey team which beat Germany 5-1. His Olympic memorabilia and service medals will be sold at Spink's, London.

#### Double quick

A 22-year-old woman is to give birth to two sets of twins in a year. Gillian Bogg, of Rendlesham, Suffolk, had her first twins, James and Georgina, in January. She is expecting a second set in December. Mrs Bogg also has a three-year-old daughter.

## Witnesses differ over airshow crash

BY HARVEY ELLIOTT  
AIR CORRESPONDENT

CONFICTING evidence emerged yesterday as to the cause of the crash of a vintage wartime fighter in which one of Britain's most experienced pilots was killed.

Air accident investigators watched video and still film of the final moments of the Lockheed F38 Lightning as it cartwheeled and burst into flames in front of an airshow crowd and listened to often contradictory evidence from witnesses.

Some said the nose of the aircraft dropped suddenly and uncontrollably and that the plane appeared to dip to its right before impact. Others said that there appeared to be nothing wrong with the plane and that its wing simply clipped the ground as it began to turn and pull up

towards a roll during the low-level flypast.

In the meantime, however, there was general acclaim for the experience and skill of Michael "Hoof" Proudfoot, the 54-year-old Britannia Airways captain and former RAF squadron leader who died in the crash at Duxford, Cambridgeshire.

Captain Proudfoot, from High Wycombe, Buckinghamshire, had been with Britannia for 17 years since leaving the RAF, flying Boeing 757s and 767s to holiday resorts around the world. He flew vintage aircraft in his spare time and was one of the most respected and skillful display pilots in the country.

The American Lightning Mr Proudfoot was flying when he died was the only one of its type still in existence outside America. About 13,000 people were at the annual Flying Legends show when the crash happened. A spectator's video shows the plane suddenly dipping as it flies low across the runway, then cartwheeling along the ground.

## Pilot who landed plane on wife will quit flying

BY EMMA WILKINS AND HARVEY ELLIOTT

A PILOT whose wife was struck by debris as he crash-landed his plane promised yesterday to give up flying. Paul Ellis, 50, was comforting his wife, Nicola, as she made a good recovery from head, arm and chest injuries in hospital.

Mr Ellis, 40, a ceramic artist, was hit by debris from the undercarriage as his husband's Mini-Max microlight came down in a field near their home at Blewbury, near Didcot, Oxfordshire, on Sunday.

Mr Ellis, a computer software writer, is now waiting to be interviewed by investigators from the British Microlight Aircraft Association. One of the couple's two labradors was killed by debris from the crash, which has prompted Mr Ellis to turn his back on a lifetime's hobby.

"I think this is a signal that everyone is mortal and it is time to hang up my flying helmet. I have always loved aviation, but I am a realist," he said.

And shouting. She actually seemed more cross than anything." Mrs Ellis was flown to hospital after being treated by paramedics at the scene of the accident, a 200-acre field owned by a local farmer at Ginge, five miles from the couple's home.

The Mini-Max is one of the cheapest fixed-wing microlights and costs about £5,000 in kit form or £8,000 ready assembled. In 1984 a series of microlight crashes led to a safety clampdown and responsibility for inspecting the aircraft was given to the Popular Flying Association and the British Microlight Aircraft Association.

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Dizzy Gillespie customised trumpet may fetch £35,000

## Beatles lyric going, but not for a song

BY PETER FOSTER

THE creased, coffee-stained scrap of paper on which John Lennon and Paul McCartney wrote the lyrics for the Beatles hit *With a Little Help from My Friends* is going on sale for an estimated £80,000.

The manuscript, which bears the provisional title for the song, *Bad Finger Boogie*, is the most expensive of several Lennon and McCartney items on sale at a rock'n'roll memorabilia auction at Sotheby's in September.

Rock buffs will also be able to bid for McCartney's recording notes to the Beatles' seven-minute ballad *Hey Jude*. Titled simply *Jude*, the single sheet is expected to fetch more than £25,000. The notes were the germ of a record which reached No 1 in both Britain and the United States, selling more than eight million copies in the process.

More obscure is an old box of Bassett's Liquorice Allsorts signed by all four Beatles and expected to make between £2,000 and £2,500. The box is thought to have been a design

prototype for the colourful confectionery planned by Bassett's after George Harrison mentioned his taste for chewy sweets. The band was pelted with jelly babies after the chance remark.

Lennon's words for the 1967 song *Being for the Benefit of Mr Kite* are expected to fetch more than £50,000. Other Beatles lyrics to go on sale are *Lovely Rita*, *Magical Mystery Tour* and *Lady Madonna*, with each expected to fetch between £5,000 and £10,000.

Jazz fans are expected to pay up to £35,000 for a trumpet specially made for Dizzy Gillespie. The jazz legend used a custom-made instrument with the bell turned up 45 degrees.

One of Pete Townshend's Gibson guitars which helped The Who to achieve the accolade of the loudest band in the world during the 1970s is expected to fetch up to £12,000. Memorabilia from 1990s rivals Blur and Oasis will also be on offer.

Festival review, page 37

bring forth thou this fiend of Scotland...

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14/11/96

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Customers buy Vodafone and Cellnet services from service providers. The result - there isn't one set of tariffs, but many. Working out what each is going to cost you is a nightmare.

Millions of users of older technology analogue phones are paying more for their calls than they would using the new generation digital phones, with better voice quality and greater security, such as those from Orange.

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We believe in the wirefree future - and the communications freedom that it will bring. But we also believe this can only be delivered by straight talking with our customers now.

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# Major will try 'again and again' for peace in Ulster

By PHILIP WEBSTER  
AND ARTHUR LEATHLEY

JOHN MAJOR promised last night to "try again and again" to remove the obstacles to peace in Northern Ireland as he sought to end the feud in Anglo-Irish relations.

The Prime Minister criticised John Bruton's attack on the British Government's handling of the Orange dispute as "unhelpful". But he said that the row with Mr Bruton was behind them and acceded to Dublin's request for an early formal meeting between the two governments to clear the air.

Mr Major said that the only people "rubbing their hands with glee" over recent events were the IRA. They had scored a propaganda victory.

Twenty-four hours earlier, a meeting this week had been all but ruled out. But last night it was disclosed that Sir Patrick Mayhew, the Northern Ireland Secretary, and Dick Spring, the Irish Foreign Minister, will meet on Friday to discuss "mutual security interests".

It promises to be a tense

The security forces have fired 6,002 plastic bullets during rioting across Northern Ireland in the past week, the RUC said yesterday. There have been 1,277 attacks on the police, 192 civilian injuries and 149 police injuries. The number of petrol bombs is not recorded but many thousands are thought to have been thrown, more than 2,000 in one single night in Londonderry.

affair. British officials said last night that the gathering would be attended by Sir Hugh Annesley, Chief Constable of the RUC, who was reported to want to tell Mr Spring, and Nora Owen, the Irish Minister for Justice, that allowing Orangemen to march through Portadown was his own decision that he had not bowed to political pressure. Mr Spring and Sir Patrick will also meet, less formally, today in Belfast on the margins of the multiparty peace talks.

In spite of Mr Major's fury over Mr Bruton's attack, and the continuing resentment of ministers, London officials

spoke yesterday of his desire to "draw a line in the sand" and to try to restore relations to a sounder footing.

Mr Major told the BBC's *Panorama* last night: "This will not be the only setback. Something will happen again that will upset one community or the other. That I can firmly be certain of. When it does then we will try again and if there is a setback we will try again, and again and again. We owe that to the people of Northern Ireland."

In the Commons there was evidence that the difficulties of recent days have hardened attitudes on the Tory benches. Several MPs called for an end to the Anglo-Irish agreement and accused the Government of giving too much ground to the nationalists.

The plan for an early meeting was announced to the Commons by Sir Patrick, who said that the upsurge of violence was the worst setback for many years and a "black period" for Northern Ireland.

He confirmed that the arrangements for handling marches would be reviewed. There were "no immediate obvious answers" to the potential destabilising effects of controversial marches, but the inquiry would allow interested parties to suggest how they could be better managed.

The former Chancellor Norman Lamont led backbench protests by telling Sir Patrick that there was no middle way between Unionism and nationalism. He was cheered by backbenchers when he said: "To pursue a middle way that does not exist runs a danger of arousing nationalist expectations that cannot be fulfilled and also of provoking a reaction from the majority. Is it not time therefore to consider a fresh approach in which Ulster would be governed more like the rest of the UK?"

Sir Patrick said: "It is not a middle way the Government is seeking to help the people of Northern Ireland achieve between Unionism and nationalism. By definition the two lead in opposing directions."

He tried to pacify backbench critics by insisting that the Government was not giving up any control of Northern Ireland and emphasising that Britain could amend the Anglo-Irish agreement during the talks process.

The cortege approaching Londonderry cemetery. John Hume and Martin McGuinness were among the mourners

## Thousands mourn riot victim

By AUDREY MAGEE  
IRELAND CORRESPONDENT

THOUSANDS of mourners attended the funeral yesterday of Dermot McShane, the convicted INLA terrorist crushed by an army vehicle during a riot at the weekend. John Hume, the SDLP

leader, and Martin McGuinness of Sinn Fein, were among the mourners at St Columba's Church on the edge of the Bogside district of Londonderry. Father Con McLoughlin, who read the homily, said: "It has been a dark week in this city... scarcely in the 21 years that I

have been here have I found people so depressed and saddened almost to the point of despair."

Mr Hume said he shared the anger felt by the Derry community. "As always happens with violence in addition to simply intensifying divisions in the community it also leaves terrible victims and the victims of this violence have been Dermot McShane and his family."

Mr McShane, 35, was killed on Saturday morning when an army personnel carrier crushed him during rioting in the city centre. He had served four years of an 11-year sentence in the Maze prison for conspiracy and possession of firearms and explosives.

The Irish Republican Socialist Party (IRSP), the political wing of the INLA, said that Mr McShane had not been involved in any paramilitary activity since his release from prison in 1991. Police sources, however, said that they were "very sceptical".

Mr McShane's American

wife, Treasa, led the mourners with the couple's children, Chris and Eric. The family asked that there be no military trappings at the funeral. A tricolour was draped over the coffin.

Following the cortege with Mr McGuinness were Michael McLaughlin of Sinn Fein and Kevin McQuillan of the IRSP. Mr McLaughlin said that the anger felt by the community after police relented and allowed Orangemen to march down the Garvagh Road last week was in danger of flaring up again at any stage. He said that about 200 Sinn Fein members had been working on the streets over the weekend, trying to calm the rioters.

The next potential flashpoint in Londonderry is on August 10 when thousands of apprentice boys are due to march through the city to commemorate the lifting of the siege imposed by James II in 1689. Nationalists are adamant that they will not pass through.

## Lamont has at least defined the real choice

Tory divisions over Northern Ireland resurfaced yesterday in a potentially significant new form. At present, dissent is limited to a minority, mainly of Eurosceptics, and there are no signs of any change in a policy to which John Major is personally committed. But if there is no improvement on the ground, Tory demands for a shift will grow.

For 25 years the Tory and Labour leaderships have attempted to reconcile the traditions and ambitions of unionists and nationalists. This search has taken many shapes and the two main parties have tilted in orange and green directions. But, with occasional, and sometimes lengthy, hiatuses, the aims have been pursued consistently since the days of Willie Whitelaw and the Sunningdale agreement.

Bipartisanship has survived the strains of the past week. The predominant tone of yesterday's exchanges in the Commons was that, while there is much to regret about what happened, time should not be wasted on recriminations. Labour and the Liberal Democrat questioning of failures in handling the Portadown march were muted given how much went wrong. The emphasis was, rather, on the need for both the London and Dublin Governments to patch things up.

Sir Patrick Mayhew sounded, as always, the voice of prudential moderation and world-weariness. He could easily have been a Secretary of State for India or the Colonies taking of disturbances in a distant part of the Empire a century ago. Showing a sure touch, Mo Mowlam, his Labour Shadow, was judiciously restrained in her criticisms.

Amid all the predictable, worthy and necessary good intentions expressed for an hour, the most striking intervention came 40 minutes into the exchanges from Norman Lamont. He attracted vocal support from his own side when he challenged the whole basis of the policy of the past 25 years. He argued that "to pursue a middle way that does not exist runs a danger of arousing nationalist expectations that cannot be fulfilled and also of provoking a reaction

RIDDELL  
ON POLITICS

from the majority. Is it not time therefore to consider a fresh approach in which Ulster would be governed more like the rest of the United Kingdom?"

His view, though immediately opposed by Sir Patrick, was broadly backed in later interventions by David Wilshire, Tony Marlow and Barry Porter. Some are longstanding allies of the Unionists and voted against the Anglo-Irish agreement of 1985, which they regard as the root of all the current problems.

This is essentially the integrationist policy advocated for so long by Enoch Powell and involves a rejection of any formal role for the Dublin Government (and informally of Washington) in the affairs of Northern Ireland. The difference from the old Stormont self-government before 1972 would presumably be entrenched legal protection of the rights of the minority, nationalists, community. The adoption of this approach would, of course, be denounced by the nationalists, Dublin and, no doubt, Washington. So what, say the Tory Unionists: "It is better to face reality now and admit the futility of continuing the current inherently flawed approach."

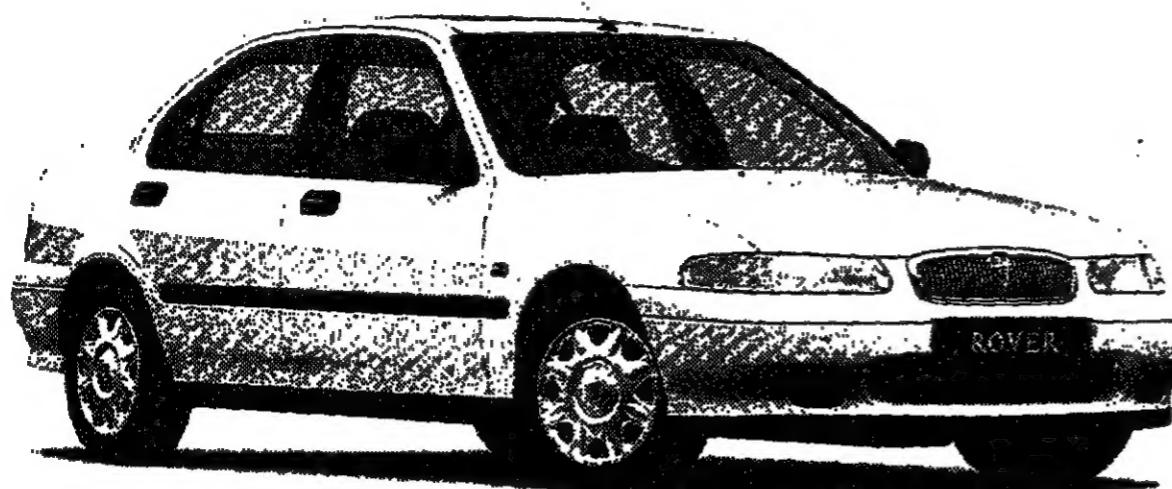
Laying aside the merits of trying to reconcile the two communities via cross-border institutions, any likely British government would regard as unacceptable the probable cost in increased terrorism and damaged relations with Dublin and Washington. But Mr Lamont has at least defined what the real choice is. An integrationist approach is already backed by the powerful "Friends of the Union" section of the British press and may gain in influence among the Tory Right if Mr Major's initiative cannot be revived. Mr Lamont's policy will not prevail as long as Mr Major sticks to his "try, try and try again" line. But the current bipartisan approach could be one of the first Government policies to be challenged if the Tories lose the election.

PETER RIDDELL

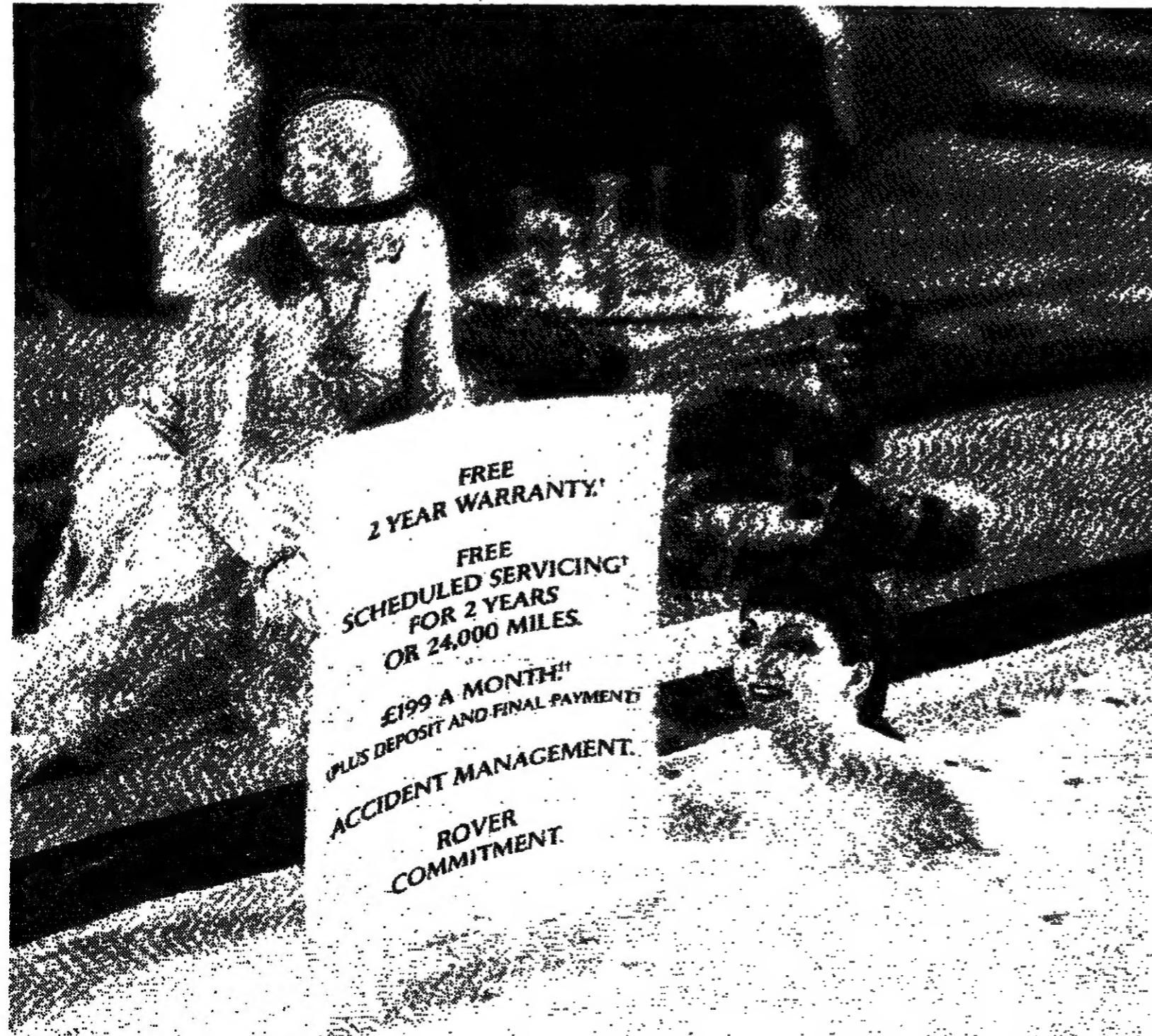
### IN PARLIAMENT

TODAY in the Commons: questions to health ministers and the Prime Minister; Labour-initiated debate on the Minister of Armed Forces named quarters and barracks Bill; remaining stages of the Local Government (Structural and Boundary) Bill; remaining stages of the Trusts of Land and Appointment of Trustees Bill; remaining stages of the Backbench Business Bill; second

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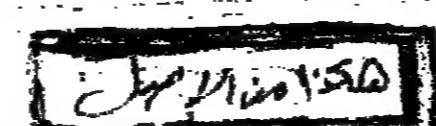
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# US business chiefs face Europe ban in Cuba row

BY CHARLES BREMNER

EUROPEAN ministers yesterday prepared plans for retaliation against the United States if President Clinton fails to right to suspend aspects of a new law on trade with Cuba that seeks to punish foreign companies doing business in the Communist island.

"We must react, and must react today," Jacques Santer, the President of the Brussels Commission, told European Union foreign ministers. The ministers prepared a list of options that include barring American businessmen from visiting the Union's 15 member states and enabling European companies to countersue in European courts.

After months in which the EU has mustered a weak response to the Helms-Burton Act, named after its Senate sponsors, consensus emerged yesterday among ministers over the need to send a tough message to Washington.

Few believed that President Clinton would exercise his right to suspend for six months the controversial Title Three of the Act, which expires at midnight tonight. The outcry from Republicans and the Cuban-American lobby in particular would prove damaging five months before the presidential election.

While Europe is reluctant to spur what could be a destructive trade war with Washington, ministers yesterday were adamant that the Americans should be shown it was unacceptable to extend their jurisdiction beyond United States borders.

Businessmen from Britain, Canada, France and other

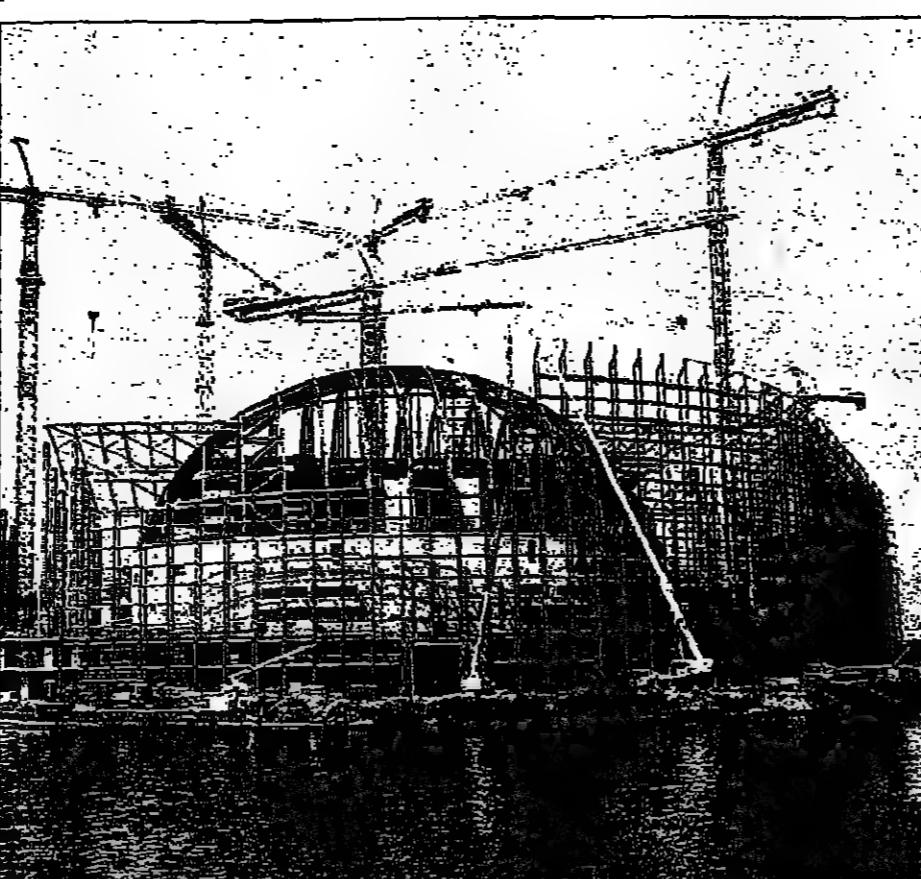
countries have been warned that they and their families will be barred from entry into the United States under Title Four of the Act, which has already been implemented, because of their companies' trade with Cuba.

The Carlson corporation, the Canadian owner of a large hotel chain, appeared yesterday to have bowed to pressure from Washington when it withdrew all plans for further foreign investment in Cuba.

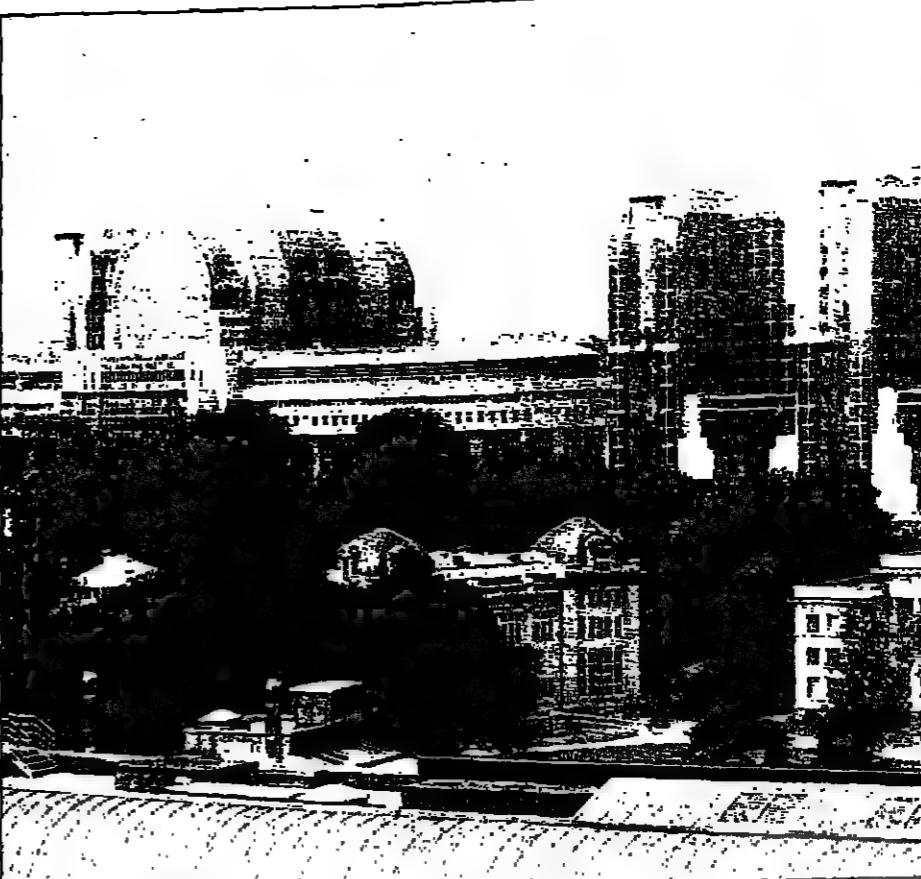
The EU is worried that the successful implementation of the whole Act will expedite another law in preparation, being promoted by Alfonso D'Amato, a New York senator, to punish foreign firms doing business in Iran and Libya.

Malcolm Rifkind, the Foreign Secretary, said: "There is no doubt we are united in opposition to this. We are also greatly in favour of improving democracy in Cuba. We just disagree on the best method to achieve this... this is a matter that goes to the very heart of the United States relations with other countries." Hervé de Charette, the French Foreign Minister, said: "This is a subject of complete consensus in Europe. No one should fool themselves over this... what shocks us is the unilateralism of the American approach."

The options being considered by ministers last night included imposing a Europe-wide restriction on the travel rights of US businessmen. Mr Rifkind opposed this on the ground that individual states should regulate entrance requirements.



The modern £500 million European Parliament under construction in Strasbourg, left, and 300 miles away the £860 million Espace Léopold building in Brussels



## Euro MPs' tempers snap in city tug of war

FROM CHARLES BREMNER IN BRUSSELS

ONE of the loftiest views of Brussels can be enjoyed from the dining room perched atop the palatial post-modern pile known to locals as Le Caprice des Dieux, the whims of the gods.

A symphony of glass and grey steel, this 13th-floor eyrie crowns the vaulted apex of the new Brussels home of the European Parliament, an £860 million complex styled in tune with the grandeur of the European dream. Europe's biggest building project, which earned its nickname from its resemblance to a French cheese, boasts a chamber that makes the Commons look like a saloon bar. On its completion next Easter it will offer acres of offices abundant enough to satisfy the most pampered legislator.

However, these riches are an embarrassment for most of the MEPs. When they embarked yesterday on their last session of the

season, the plush 750-seat "hemicycle" chamber remained as silent as it has for 50 weeks of every year since it opened in late 1993. Along with a couple of thousand interpreters, staff, attendant lobbyists and tonnes of paperwork, the 626 MEPs will be sitting 300 miles away in Strasbourg, which EU governments confirmed two years ago as the site of its monthly week-long sessions.

The assembly has long meled in an amorphous complex in the French city on the Rhine frontier with Germany, but now rising from the waterside there is another pharaonic new parliamentary seat, an edifice that looks like a gnomes' castle and which, at £500 million, is only a little less sumptuous than that in Brussels.

"It is grotesque, it is outrageous," fumes Elisabeth Guigou, a senior French Socialist MEP and former minister. A partisan of the pro-Strasbourg minority, made up of

the French and their German allies, she is talking about the Brussels building. Gigi de Vries, a Dutch MEP who leads the Parliament's secretariat is lodged in Luxembourg. But nothing will change because a mixture of EU power politics and sheer irresponsibility has condemned the Parliament to wander the Alsace-Belgium corridor for years to come.

Today the majority of MEPs will air their frustrations over the absurdity of the moving feast in a debate on a vote to trim from 12 to 11 their jaunts to Alsace next season and to do away with their Friday debates.

They will lament the £1 million per year that it costs the taxpayers to keep each MEP in business. (The fume has risen with the Commons' big pay rise, because all MEPs earn the same salary as their national members of parliament.) They will

also deplore the indignities of a monthly shuttle that is compounded by the fact that the Parliament's secretariat is lodged in Luxembourg. But nothing will change because a mixture of EU power politics and sheer irresponsibility has condemned the Parliament to wander the Alsace-Belgium corridor for years to come.

The war of the competing seats has reached the level of scandal as costs have jumped by half in two years. MEPs were warned in May that they risked breaching the ceiling which fixes expenditure on their institution at 20 per cent of the EU's administrative budget.

In 1988, the Parliament staked its claim for a permanent base at the heart of EU power in Brussels by signing with a Belgian consortium for the Espace Léopold. In 1992 the French, with German help, prevailed on the EU to keep Strasbourg

as its official home. John Major brokered the deal at the Edinburgh summit that year.

Two years later, a French threat to block the arrival of MEPs from former East Germany extorted a parliamentary signature for the new Strasbourg building. The EU's court of auditors last year ruled that contract illegal because Egon Klepsch, the then president of the assembly, had acted without consultation.

According to John Tomlinson, a British Labour MEP who sits on the budgetary committee, Dr Klepsch's signature was "a tyrannical abuse of administrative power". The French camp rails in equivalent terms over underhand schemes to "rob" France of its prestige as home to the European Parliament via reckless spending in Brussels. France is taking the Parliament to court for dropping the twelfth session this year.

## Bosnia poll must await Karadzic's exit

FROM REUTER IN SARAJEVO



INTERNATIONAL mediators said yesterday that the Bosnian election campaign, delayed at least until Friday, could not begin until Radovan Karadzic, the separatist Serb leader, quits politics.

Robert Frowick, an American diplomat in charge of the September 14 ballot, said that a "mutually acceptable" solution must be worked out with the Serbs before the campaign, originally scheduled to start on Sunday, could be declared open. "It is my unalterable position that any political party that elects, appoints or maintains in office a person who is under indictment by the International [war crimes]

tribunal for the former Yugoslavia shall be ineligible to participate in the elections," Mr Frowick said.

He heads the Bosnia office of the Organisation for Security and Co-operation in Europe, which is arranging the elections to reconstruct ethnic Serb and Muslim-Croat entities in a democratic, federal Bosnia. Under the Dayton treaty that ended Bosnia's 1992-95 war, no individual charged by the tribunal may hold public office or participate in elections.

Dr Karadzic, indicted twice for alleged genocide, twice for aiding and abetting, and twice for war crimes, has said he will not be a candidate but retains power through his leadership of the ruling party. The main architect of the Dayton accord, Richard Holbrooke, is due in the region this week to lobby for Dr Karadzic's removal after France proposed empowering Nato peacekeeping troops in Bosnia to hunt down those indicted for war crimes.

Mr Frowick said he met Dr Karadzic's deputies last week to press them to deal with the issue and "give them a bit of space and time" for an outcome that would be mutually acceptable. "By definition, if this campaign starts on Friday, you can be sure that things must be straightened out by that date," he said.

Dr Karadzic, indicted twice for aiding and abetting, and twice for war crimes, has said he will not be a candidate but retains power through his

Bosnia's Muslim-led central Government hinted at a possible boycott of the elections if Dr Karadzic and his colleague, General Ratko Mladić, did not bow out. "All the effort being put into implementing Dayton, including the elections, is in doubt because of their presence," said Mirza Hujic, foreign policy adviser to President Izetbegovic of Bosnia.

Brussels European foreign ministers appointed Sir Martin Carroon, of Britain, to replace Ricardo Pérez Casado, a Spaniard, as EU administrator in the divided Bosnian city of Mostar. He is expected to take over on July 22. (Reuters)



Waigel: time for change

## Richest 358 people 'own as much as half of the world'

FROM EVE-ANN PRENTICE

DIPLOMATIC CORRESPONDENT, IN TOKYO

THE gap between rich and poor has become so great that the world's 358 wealthiest people have assets equal to the combined income of 2.3 billion people, nearly half the global population, according to a United Nations report.

Furthermore, the rift is becoming more pronounced in rich countries, especially Britain and America, where the incomes of the poorest 20 per cent are less than a quarter of the national average.

In Britain, the poorest fifth of the population have an average of less than £2,600 a year to live on, while the national average income is £11,100, says the UN Development Programme in its annual report.

In America the gap is even wider with the poorest 20 per cent living on £3,700 a year compared with a national average of £15,600.

The gap between rich and poor in Britain and America is similar to that in Nigeria and Brazil, whereas in Japan and Bangladesh the average income of the poorest 20 per cent is nearly half the national average, the report says.

The polarisation of the "haves" and "have-nots" is just as marked between countries as within them. While there has been "a dramatic surge in economic growth in 15 countries since 1990... economic decline or stagnation has affected 100 countries", says the report, to be published tomorrow.

"Although many are aware of this economic stagnation, the full extent and gravity are too often obscured because of the stunning success of the fast-growing countries," it adds.

China and most of Asia are among the economic success stories, while in many countries of Eastern Europe and the former Soviet Union, average

income plummeted by at least a fifth between 1990 and 1993.

The declines among 100 countries over 15 years has been unprecedented, the report says, much longer and sometimes greater than those suffered by industrial countries during the Great Depression of the 1930s.

It says: "New patterns of growth will need to be developed... to prevent even more extreme imbalances and inequalities in the world economy." It urges economic growth to be linked more closely with development.

The report also ranks 174 countries according to their citizens' quality of life in health and longevity, knowledge and a decent standard of living. In the so-called Human Development Index, Canada emerges as the best followed by America and Japan. Britain is sixteenth in the table, above Denmark and Germany, while at the bottom are Somalia, Sierra Leone and last of all Niger.

The problems facing Eastern Europe and the former Soviet Union since the fall of the Berlin Wall are starkly indicated. Male life expectancy in many of these countries has declined: in Russia, by five years, according to some estimates. Hyper-inflation is rampant at 7,380 per cent in Georgia, 2,000 per cent in Armenia and 1,875 in Belarusia, the report says.

Unemployment affects 35 million people in the industrialised world. In those countries, the average jobless rate was 8.6 per cent in 1993, ranging from 2.5 per cent in Japan to 23 per cent in Spain.

Of the £14,800 billion global gross national product in 1993, £11,600 billion was within the industrialised countries and only £3,100 billion in developing countries, even though they have nearly 80 per cent of the world's people.

*Human Development Report 1996* is published for the UN by Oxford University Press.

## Oklahoma suspects bask in glow of courtroom notoriety

FROM QUENTIN LETTS IN DENVER

THE two most hated men in America walked calmly into a Colorado court yesterday, exchanged jokes with their lawyers and settled down to hear early arguments in a case which could end with execution by lethal injection.

Timothy McVeigh and Terry Nichols, suspects in last year's Oklahoma City bomb blast, sauntered into the federal court in Denver after being transported from the nearby Jefferson County prison in a high-speed armed convoy.

Mr McVeigh, youthful and tall, smiled broadly as he savoured the crowded court. Dressed in a green shirt and pale chinos, he grinned at familiar faces in the public gallery and bobbed up and down on the balls of his feet, like an athlete warming up.

Mr Nichols, in a more sober blazer and open-necked pale shirt, remained composed, limiting himself to courteous handshakes with his defence lawyers. His hair parted neatly, he clasped his hands and clenched his jaw muscles as

the court awaited the arrival of Judge Richard Matsch.

The two men are charged with planting the lorry bomb which in April 1995 devastated the federal building in Oklahoma City, killing 168 and injuring 500. It was the worst act of terrorism perpetrated on US soil and such were the emotions generated in Oklahoma that a judge moved the case to Denver, 600 miles away, to try to ensure that the jury would be unbiased.

The morning session appeared to go the way of the prosecution, despite arguments by Michael Tigay, Mr Nichols's veteran attorney, that FBI agents did not go to the book when arresting his client.

Mr Nichols listened intently to his lawyer. All this time Mr McVeigh, sitting at a separate table, craned his neck and picked his teeth. He had a stare not so much of menace as of excited interest in the events occurring around him. Judge Matsch, known for his tight discipline, entered

court room C204 at 9am to find it filled with relatives of the dead, with the media and an astonishing array of legal counsel.

The prosecution, led by wheelchair-bound Joseph Harzler, who suffers from multiple sclerosis, consisted of 11 advocates and six government officials. The defendants had five lawyers apiece and an additional 16 supporters on the floor of the court.

First to speak for Mr McVeigh was Jerry Marritt, a Denver lawyer. She sought the dismissal of evidence on technicalities. Judge Matsch denied her request, as he did a final attempt by Mr Tigay to discredit the police.

Marsha Kight, whose 23-year-old daughter was killed, said: "Funny thing is, I can almost appreciate the way those guys feel. Members of my family in the past were grand marshalls of the Ku Klux Klan and I have a young son who doesn't trust the federal Government. This is very hard for me."

## Portuguese world launches new commonwealth

Lisbon: Portugal and six former colonies, including Brazil, will fulfil a long-held ambition tomorrow to unite their 200 million people in a commonwealth of Portuguese-speaking nations. Following in the footsteps of the Commonwealth and the francophone nations, the Community of Portuguese-Speaking Countries (CPLP) will be launched by heads of state and top government officials.

President Cardoso of Brazil, whose country is home to 70 per cent of the world's Portuguese speakers, joins President Sampaio of Portugal. Pres-

ident dos Santos of Angola and their counterparts from Mozambique, the Cape Verde Islands and Guinea-Bissau for the signing ceremony in Lisbon. President Trovoada of São Tomé and Príncipe will be represented by his Prime Minister because he is campaigning for a second round of voting in presidential elections in the West African archipelago.

Lisbon gave up the last of its foreign possessions with the exception of Macau, Hong Kong's sister territory, after the 1974 revolution that put an end to decades of right-wing

dictatorship in Portugal. But the idea of seeking to preserve historic and cultural links with the former colonies has been gaining ground in recent years.

Portugal and Brazil, proud of their common language and cultural links, saw a Portuguese-speaking grouping as offering a barrier to the rapid expansion of English and Spanish as international languages.

In the former African colonies in particular, the future of Portuguese has been brought into question by the

growing importance of English for trade and international commerce. It has been said that Portuguese has lost influence when compared with other languages. I believe it is important to fight for the preservation of the language," said Senhor Cardoso in an interview to launch the community.

While the reinforcing of cultural and linguistic ties will be at the heart of the new organisation, political co-operation will also be on the agenda.

The CPLP will have its headquarters in Lisbon. (Reuters)

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# Building industry shows signs of recovery

By PHILIP BASSETT  
INDUSTRIAL EDITOR

BRITAIN'S building industry yesterday welcomed signs of improvement in construction — but said that prospects remain sluggish, and that more jobs are set to go.

Government ministers and business leaders will be awaiting the round of large-scale industrial surveys over the next week for signs of improvement in the real economy.

In advance of the main surveys from the Confederation of British

Industry a week today and from the British Chambers of Commerce later this week, Britain's building companies, which have been hit hard by a sustained recession in the construction industry, struck a more optimistic, though still cautious note.

In its latest state of trade survey, the Building Employers Confederation said it saw "welcome signs of an improvement" in construction output in the second quarter of this year.

The findings point to an increase in overall construction output for the first time since the start of 1995. A net

balance — those reporting higher output against those recording a fall — of 22 per cent of building firms suggests that output is rising.

BEC analysis said this suggested a quarter-on-quarter rise in output across the industry of 0.8 per cent. But although a further positive balance is forecast over the next three months, the improvement is not sufficient to persuade BEC leaders to change their forecast for an overall fall in output for the whole of this year.

The rise in output was accompa-

nied by an improvement in inquiries about new work, and in the number of firms expecting sustained growth over the next 12 months. A balance of a fifth of all firms surveyed reported a rise in new orders. This is the first increase in over a year and a contrast to the balance of 10 per cent of firms reporting a fall three months ago.

Almost half the firms surveyed believe that output will grow over the next 12 months, in contrast to three months ago, when expectations were broadly flat. Small contractors are more pessimistic than large firms.

Capacity utilisation is also up, with the number of firms working at or near full capacity increasing from 21 to 29 per cent in the second quarter.

Paul Shepherd, BEC chairman, said: "We can at last begin to see some light at the end of a very long dark tunnel."

But the BEC said that the prospect for jobs in the industry remains worrying. The long-term downward trend in employment shows few signs of abating, with more jobs expected to be cut on top of the 485,000 lost since 1989.

# Receivers at Escom UK threaten 1,000 jobs

By OLIVER AUGUST

MORE than 1,000 retail jobs are at risk after the appointment of receivers at Escom UK, the chain of computer shops.

The collapse of Escom UK, which has annual sales of £200 million, is being blamed on the problems of Escom AG, the German parent company, which filed for bankruptcy in Germany yesterday. A company spokesman said that the bankruptcy filing applied only to Escom AG.

Nick Dargan and Ralph Preese, of Deloitte & Touche, the firm of chartered accountants, were appointed receivers of Escom UK on Friday, after Barclays Bank called in a £500,000 overdraft earlier than expected.

Barclays was said to have lost confidence in Escom UK after the collapse of the German parent company.

Mr Dargan said: "It is unfortunate that the demise of the German holding company has resulted in the current financial difficulties in the UK. However, we have already had a number of serious inquiries for the business and are hopeful of securing a sale."

Between May and July Escom UK reduced its £3.8 million Barclays overdraft to about £450,000. The company still has total debts of £18 million, compared with assets of £30 million. A total of 74 stores were closed last month. Escom UK managers were said to have been confident of paying Barclays by the end of July, ahead of a planned management buyout.

Barclays denied that it had acted prematurely. A spokesman said: "We supported the company and its rescue proposals, but unfortunately it didn't work."

Meanwhile, staff morale collapsed. Employees sat in dark stores yesterday with the shutters down, using store computers to find the latest

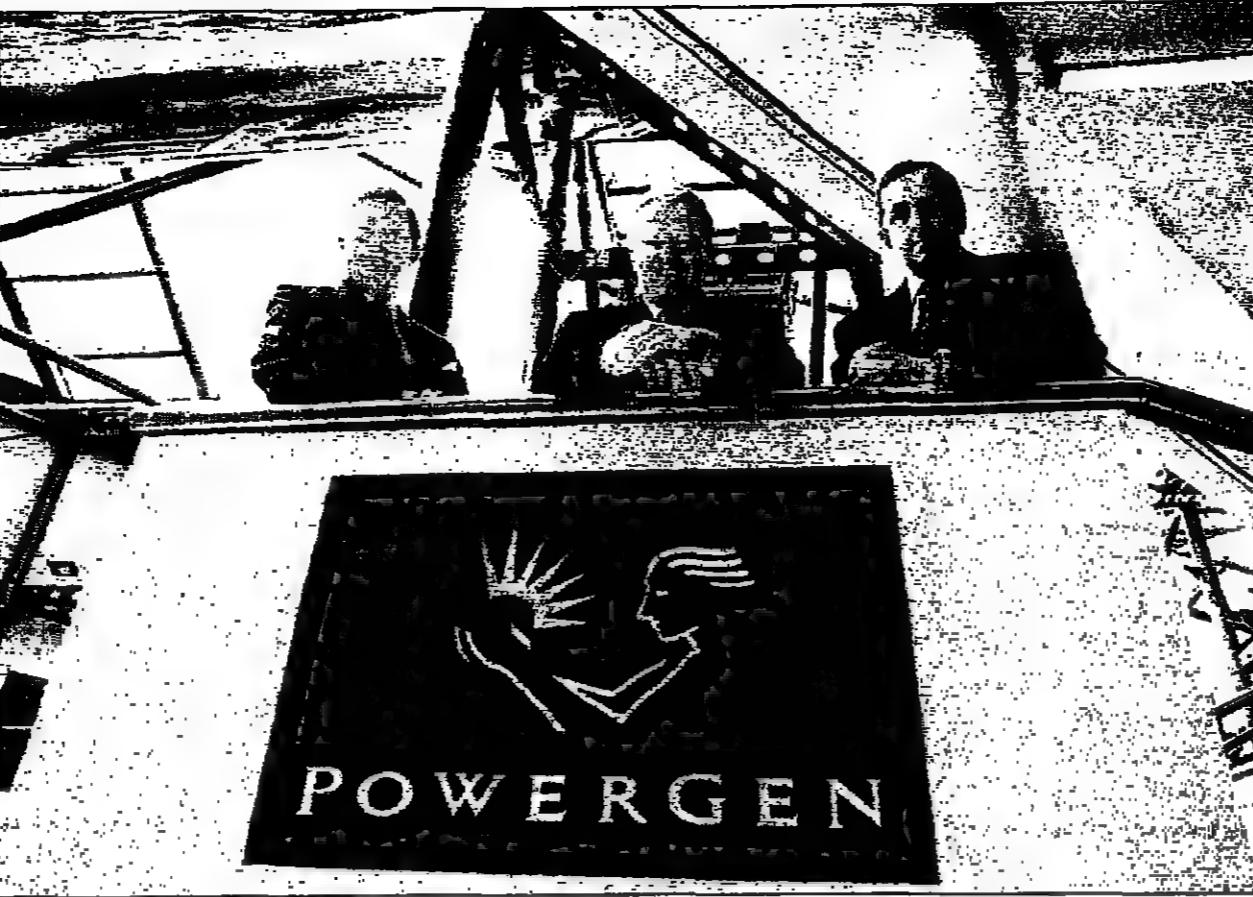
news about their own company on the Internet. On Saturday they had been told to keep stores closed and make an inventory check.

Their fate and the future of the 168 Escom stores in the UK is now in the hands of the receivers.

Thorn EMI, who sold the Rumbelows stores to Escom last year, could see the leases revert to them. Rental and service costs of £10 million per annum could show up as extraordinary items in the demerger plans to be published later this month, Thorn EMI suggested yesterday.

More than 8,000 people have applied for 300 jobs at the new Segaworld theme park, due to open in London's Piccadilly Circus in two months. The £45 million complex in the Trocadero will be the world's largest indoor theme park. Some 1.7 million visitors are expected each year to take part in interactive games.

Pennington, page 25



New team: Peter Hickson, left, PowerGen finance director, with Ed Wallis, chairman, and Deryk King, MD, yesterday

## PowerGen attacks veto as 'short-termism'

POWERGEN renewed its attack yesterday on the Government's veto of its bid for Midlands Electricity (Christine Buckley writes).

Sir Colin Southgate, chairman, told the company's annual meeting: "To prevent PowerGen from being able to grow its business in this way smacks to me of short-termism. Young companies such as

PowerGen — which has demonstrated an ability to innovate, to respond to market conditions, to match the world's best — should be allowed to grow and expand within the UK."

Sir Colin went on to say that if PowerGen had been allowed to expand via a takeover of Midlands then competition in domestic electricity, which is scheduled for 1998, would have been kick-started and would have mitigated

current fears in the industry over the ability and commitment of the key players".

Sir Colin steps down from the chairman's position and is replaced by Ed Wallis, who will be executive chairman and continue as chief executive.

Deryk King, who has joined PowerGen from ICI, today begins his duties as managing director.

## CBI urges more cash for transport links

By JONATHAN PRYNN, TRANSPORT CORRESPONDENT

BUSINESS leaders yesterday urged Kenneth Clarke, the Chancellor, to drop tax-cutting plans in his Budget in favour of greater investment in Britain's transport links.

Adair Turner, Director-General of the CBI, called for £25 billion of additional spending on upgrading roads, the railways, and air and sea ports over the next decade.

The Government and the Labour Party were shying away from the difficult issue of the precise level of investment required, he said.

A better road, page 27

## Rank Xerox's green award

RANK XEROX, the British photocopier company, has won a European award for a recycling project (Eileen McCabe writes).

François Stollman, its manufacturing director, accepted the European Better Environment Awards for Industry Trophy from Mary Robinson, the Irish President, in Dublin. Rank Xerox

found ways to split 80,000 old photocopiers a year into reusable parts and parts sent for recycling by other firms.

Henkel Ireland, a Cork chemical company, was praised for reducing waste.

## Kerkorian springs surprise with late bid for MGM

By ALASDAIR MURRAY

KIRK KERKORIAN, the billionaire American investor, has made a surprise last-minute entry into the race to buy the MGM film studio — even though he had owned the movie company twice before.

Mr Kerkorian has teamed up with Seven Network, the Australian television company, to back a bid by Frank Maruscio, chairman of MGM. Seven and Mr Kerkorian are understood to be putting up around \$500 million each to fund a \$1.3 billion offer for the company.

The News Corporation, parent company of *The Times*, which owns the Fox studios, and Morgan Creek Production have also entered the auction, with all the bids believed to be between \$1.2 million and \$1.4 million. News Corp also owns 15 per cent stake in Seven Network.

Mr Kerkorian bought MGM in 1969 and sold it to Ted Turner, head of CNN in 1986. He bought it back the same year but sold to Giacomo Patti in 1990. It went to Crédit Lyonnais in 1992 after Mr Patti defaulted on loans.

Fears were also raised that Mr Kerkorian was looking to break up the company, although a spokesman for the bidding team insisted he was keen to see the management continue rebuilding the firm.

Mr Kerkorian will also have been attracted by the opportunity to reunite the film company with the MGM leisure brands that are still owned by Mr Kerkorian's investment company Tracinda, including the 5,000-room MGM Grand hotel in Las Vegas.



Kerkorian: previous owner

## Self-assessment forms tax brainpower of volunteers

By SARA McCONNELL

THE Inland Revenue said yesterday that more than one third of the 5,000 new self-assessment tax returns completed by volunteers on its pilot scheme had been filled in wrongly and needed correcting. It added that 20 per cent of volunteers had failed to complete the forms by the deadline of January 31, in some cases because they had dropped out of the trial altogether.

The Revenue insisted that the results of the pilot were better than expected. Of the returns received, 94 per cent had been completed fully, compared with an assumed 90 per cent. Of the completed

## BUSINESS ROUNDUP

### Titan challenges 'lottery' judgment

LAWYERS for Titan Business Club, the international money-making scheme that has signed up 11,000 people in the UK, each paying between £2,500 and £3,000 to join, yesterday asked the Court of Appeal to overturn a judge's ruling that Titan was an "unlawful lottery". The Department of Trade and Industry has applied to the courts to have the Titan operation closed down. Last month Titan was deemed to be operation closed down. Last month Titan was deemed to be

an illegal lottery in the High Court by Sir Richard Scott, the Vice-Chancellor, and the scheme was ordered not to sign up any new members pending a full hearing of the DTI case. Titan, which has since launched a new and separate scheme, Titan International, a US limited liability company, lodged an appeal, which began yesterday, against the Vice-Chancellor.

Lord Woolf, Master of the Rolls, sitting with Lord Justice Saville and Lord Justice Millett, suggested that a "pernicious aspect" of the scheme was that "the longer it goes on, the more people are going to suffer as a result of it fizzling out". Edward Bannister, QC, the lawyer for the Titan scheme, said that there was "no trap or trick" to the scheme. The case Pennington, page 25 continues.

</div

□ Price of nuclear shares plunges □ Titan scheme reborn □ Goods more durable than the shops that sell them

□ THOSE 600,000 private investors who bought into British Energy may like to know that Ian Lang, President of the Board of Trade, thought it went rather well. He had "cause to be pleased" with the issue; indeed, he was "very well pleased".

His smug remarks came just minutes before trading in the shares started and the price plunged to a discount, a humiliation not seen for a privatisation since the second BP sale in 1987 — and that took a full market crash to achieve. By the time the damage was known and the price had hit 92½p, the ministerial soundbites had dried up.

Instead, the usual sources were suggesting that it was all up to the market to put right. Not our fault if the City can't see the value of this fine investment, you know. Free markets reign supreme. The discount on the British Energy shares was not quite being sold as a triumph for wider and deeper share ownership, but it was not far off it.

Privately, those close to the sale were dismayed, and desperate for the price to revive before much more harm to their reputations was done. There are good reasons, alas, why the patient may be beyond revival.

The peculiar timing of this most difficult of privatisations mean that while the private investor may have bought a pig

in a poke, the City was able to count its every bristle. Much of the discount that the shares went to was a result of last week's shock shutdown of two reactors, which emphasised how unstable output, and profits, were. The news came after Sid filled in his cheque, but before City institutions made their bids.

To be positive, the shares are now clearly cheap, if you believe the dividend pledges can be kept, the part-paid yielding as they do almost 19 per cent, or twice anything else in the sector. This should propel some kind of recovery, except that from the end of next week private shareholders will be able to sell. An unknown number will cut their losses and run. Retail investors in such cases tend to hang on like grim death until the price comes back to what they paid — look at how many are still in British Gas. But any sales could force the price lower again.

The Government has, for once, sold a public asset for more than it is worth, if the current market value of the company is right. This should save some trouble at the Public Accounts Committee a

## A fatal lack of energy



few months down the line. But do not expect too many boasts about the benefits to the taxpayer from the British Energy sale in the election manifesto. Private investors have votes too.

### A gigantic mug's game

□ OLD Titan may be frantically clawing at the lid of the box into which the Department of Trade and Industry nailed it last month, but New Titan is out and free. Those behind the controversial business club have set up its second incarnation, without the big drawback of the first, the fact that it was illegal.

Lawyers, as anyone who has ever had dealings with them will know, are utterly infallible, and they have been asked to bless New Titan for two main improvements over its predecessor, which was condemned in the strongest possible terms by the courts. The two distinctions are a stock market quote and a clear investment purpose.

Ho hum. The quote is on the Nasdaq bulletin board, explicitly

designed for the riskiest business ventures and imposing virtually no regulatory burden. There is no way in creation that New Titan, or Titan International LLC as it is now named, could find itself on the London main market, in its present form. The investment purpose is that some of the money received will go into other high-risk ventures, which hardly sounds reassuring. The rest as before, will be used to recruit others into the scheme.

Let us quote from the application for membership for New Titan. "I fully understand," the new recruit must pledge, "that my membership fee will not be returned should individuals I introduce to Titan International LLC fail to become members."

tion and using that increased strength, once there is no more competition around, to push up prices. There is little about a player that sits back and cheerfully watches the existing competition gradually sicken and die.

The death of yet another electrical retailer, Escom, the specialist computer chain, concentrates yet more power among the survivors. A recent report from Verdict, the retail consultancy, concluded that it was impossible to make money selling electrical goods in the high street. It is a conclusion hard to dispute as one surveys the corpses of those who have tried.

Earlier this year, Powerstore turned up its toes, having been the most aggressive and ambitious of the independents not long before. Escom itself was created out of the remains of Rumbelows, the rest of which was closed by Thorn EMI as the former owner despaired of ever turning it around. Clydesdale, the Scottish group, went bust in 1994. The result is that if you buy a new stereo system or dishwasher today, you will buy it from an out-of-town shed, owned

either by Dixons or by a business such as Comet or the Scottish Power shops that have the support that comes from being part of a larger group.

Much has been said about margins in electrical goods. But margins are the product of a free market and if they are out of line with market realities they should be self-correcting. Part of the problem is that today's gadgets are too reliable — they last too long before they need replacing. But if there emerge just two or three high street chains for the consumer to choose from, normal economic theory says that margins will rise from the barely sustainable to the more profitable. That is, the survivors will put the prices up. They say they won't. But they will.

### Chips are down

□ THE Government, or rather, you and I, paid £200 million to find jobs for 2,000 Tynesiders. That aid went to Siemens, now dithering over phase 2 of the same Tyneside factory because of a fall in the price of computer chips. Might Siemens be persuaded to reconsider, in return for a few million more? And does anyone still remember the days when it was the workforce, not the factory owner, that threatened to down tools unless more cash was forthcoming?

## BAT shakes up financial services to combat rivals

BY MARIANNE CURPHEY

BAT Industries has responded to fierce competition in personal financial services by launching a major revamp of its brands, including Allied Dunbar and Eagle Star.

The company said that it hoped to save £50 million a year over the next five years and that some jobs would be lost when computer services were amalgamated.

Sandy Leitch, chief executive of the newly created umbrella group, British American Financial Services (BAFS), declined to say how many staff would go. He said that Eagle Star had already shed 600 jobs and Allied Dunbar 250 jobs in recent months. "Job losses over and above what we are already doing are unlikely this year," he said.

Mr Leitch said that the new

group's name underlined BAT's commitment to both financial services and tobacco. "We are not considering a demerger at the present time at all," he said.

BAFS will include Farmers in the US and Threadneedle Asset Management in the UK. Threadneedle currently manages the assets of Eagle Star and Allied Dunbar.

Marin Broughton, chief executive of BAT, will become chairman of BAFS, and Mr Leitch, the current chairman of the three UK brands, will become chief executive of the new group.

BAT has been conducting a fundamental review of its business over the past year and had considered merging all three business into one "mega-brand". Last month

The Times revealed that BAT had shelved plans to buy a building society because it believed that the retail banking sector was too crowded and too competitive.

Mr Leitch said yesterday:

"The price of buying a bank is too high, as is the cost of maintaining high street branches."

He said that BAT was instead, planning "rapid aggressive expansion" which included developing existing brands and acquiring new businesses. Buying a life mutual or a healthcare company had not been ruled out, he said. The group was also looking to grow in Asia and had applied for a licence to sell life products in China.

The news saw BAT's share price rise 6p, to 484p. The

shares have been languishing recently and since Allied Dunbar has no orphan assets and Eagle Star has very few, BAT has not enjoyed the boost to shares that other life companies have recently

experienced.

After the revamp, Allied Dunbar will offer advice and protection, pensions and Threadneedle-branded investment products. Threadneedle will be aimed at the serious investor, with an initial focus on lump-sum investments, and Eagle Star will develop mass-market general, life, pension and investment products. Eagle Star aims to increase the number of products that it sells by telephone.

Tempus, page 26

### 'Error' by Cardcast hits shares

SHARES of Cardcast, the AIM-listed credit card protection company, fell 7p to 73p yesterday when it emerged that it had not signed a deal with Crédit Mutuel, the French bank (Fraser Nelson writes).

Cardcast announced last Tuesday that it had signed a contract to supply Crédit Mutuel with "Hot Card" files, detailing credit cards stolen in the UK, which would have represented the company's first overseas deal. The news sent Cardcast's shares up 1p, to 81p.

Nigel Whittaker, Cardcast's non-executive chairman, said that the premature announcement was due to "a genuine mistake at executive level", and that there had never been an intention to deceive.

Group sales were £2.7 million (£254,000), with a £3.5 million contribution from Domark, Simis and Big Red.

Losses per share were 44.6p (4.6p). There is no dividend.

## New-look Eidos is playing to win

BY FRASER NELSON

EIDOS, the former software technology group now specialising in computer games, yesterday distanced itself from the £1.95 million loss it ran up in the 15 months to March 31, saying that its future results would bear no comparison.

Charles Cornwall, chief executive, said that the group, which recorded a loss of £14,000 previously, had broken from its loss-making history after investing £41 million in the computer games market. Mr Cornwall said: "For the last three years, we ate money rather than produced it. But after buying the games companies, we have completely transformed from what we were."

Group sales were £2.7 million (£254,000), with a £3.5 million contribution from Domark, Simis and Big Red. The company, which uses a sheep's bloodstream to produce antibodies for the treatment of drug overdoses and snake bites, sold 4.19 million shares, raising £22 million before expenses, in an institutional placing.

The sale capitalises Therapeutic Antibodies at about £11.2 million, compared with an estimate last month of £150 million.

The shares, which are underwritten by British Linen Bank, will begin trading on the London Stock Exchange on July 23.

Tempus, page 26



Peter Wood, right, chief executive, with John Samuel, finance director, yesterday

## Ellis to continue expansion

BY ALASDAIR MURRAY

PETER WOOD, chief executive of Ellis and Everard, revealed yesterday that the industrial chemicals distributor was seeking more bolt-on acquisitions after spending £18 million on five new purchases during the past year.

Mr Wood said that last year's acquisitions, which included George Mann, a US chemicals distributor, and Surphos, European distributor of surfactants and phosphates, would in-

crease sales by £50 million this year and would enhance earnings. Mr Wood added that trading was in line with expectations during the first part of this year.

Full-year pre-tax profits, excluding exceptional items, rose 22 per cent, to £21 million, for the year to April 30, in spite of a bumpy ride from fluctuating raw material costs, although these stabilised towards the end of last year. The company is now enjoying a small drop in

material prices, which will help margins.

The total dividend was raised by 10 per cent, to 9.2p. Gearing was halved to 16 per cent, while free cashflow increased to £39 million. European operating profits rose 15 per cent, while American profits increased by 18 per cent.

Ellis shares rose 2p to close at 282p. A final dividend of 6.2p is payable on October 7.

Tempus, page 26

Company fears for contract as Aborigines defeat mine

## RTZ drops zinc plan after protests

FROM RACHEL BRIDGE IN SYDNEY

RTZ, the mining company, yesterday abandoned plans to build a A\$1.1 billion (£564 million) zinc mine in Australia. RTZ denied its controversial request for new legislation to enable it to bypass Aboriginal land rights in the face of intense pressure from communities near the site, in northern Queensland.

RTZ fears that it is now extremely unlikely to be able to fulfil a contract with a leading Dutch customer that was to have been the key to the viability of the entire Century Zinc project. All work at the mine

was yesterday halted and virtually all the 100 staff from RTZ-CRA, RTZ's Australian arm, were removed.

RTZ's action follows weeks of increasingly bitter clashes between local Aboriginal groups and the Australian federal and state governments over the mine.

Leigh Clifford, CRA managing director, said: "It will be difficult to develop the project in the timeframe required to meet the needs of our major customer. Failure to do so will result in the size, markets and development timing for the project becoming uncertain."

Admitting that its approach had be-

come "highly divisive", RTZ said that it would now be acting under the provisions of the Native Title Act, which safeguards Aboriginal rights.

The Native Title Act gives Aboriginal groups the right to negotiate with the developer, and could take up to 14 months to work through.

RTZ and its Australian outlet have already spent more than A\$200 million on developing the mine, which, analysts say, had the potential to become the largest zinc mine in the world, with annual export earnings of about A\$500 million.

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STOCK MARKET

MICHAEL CLARK

# Private investors hit by double whammy

PRIVATE investors must have felt like throwing in the towel after finding themselves on the receiving end of a double whammy from British Energy and Wall Street.

British Energy has earned itself the distinction of becoming the first privatised to open at a discount on the first day of dealing since BP II. This was in spite of better than expected demand for shares from eager private investors.

Offered at 100p. In their partly paid form, the price opened on a when-issued basis at 103p before slipping to a low for the day of 92.5p. It later rallied to 93p, before ending at 94p, a discount of 6p.

Justin Urquart Stewart, director of Barclays Stockbrokers, expects the price to recover. He said: "It was always known that this was going to be more risky than other privatisation issues. The 17 per cent yield is its attraction. Private investors should lock the shares away for a year and then think again about what they want to do."

At the same time, those hard pressed investors in London also had to contend with news of further losses on Wall Street, where the Dow Jones industrial average plunged more than 50 points in early trading, stretching its fall during the past few days to almost 130 points. It proved all too much for the FT-SE 100 index, which had put up a fierce rear-guard action on Friday. In the event, it dived back below the 3,700 level to close 30.0 points down at 3,698.3.

As one leading broker said: "Cash is king again at the moment. The market-makers are just keeping their heads down. The last thing they actually want to do is begin trading in shares."

That was clearly reflected in turnover that saw just 667 million shares change hands, including 163 million belonging to British Energy. So it was against this backdrop that Crest, the Stock Exchange's electronic settlement system, made its debut. Crest has been introduced to provide a more efficient settlement system that can effectively do away with share certificates.

Up to 11 points of the fall in the index could be attributed to GEC, down 13.5p to 365p, after going ex-dividend, and National Power going ex its 100p special dividend. National Power finished 145p



Kenneth Clarke, the Chancellor, launching Crest yesterday

down at 389p. Elsewhere, among the generators, news that ScottishPower, unchanged at 309p, was in talks with Electrabel, the Belgian power generator, came too late to make much impact on the price. As an act of faith, Electrabel has bought a 1.1 per cent stake in Scottish.

Euromerit shot up 13p to 547p as pressure grew for

Vewinn, which is listed on AIM, tumbled 100p to 335p. The group provides hotel guests with information services via television. But a scheme to allow them newspaper electronically appears to have received a muted response from the hotels and faces competition from other suppliers.

Claes Hultman to be reinstated as chief executive. It has emerged that more than half the electronic group's institutional shareholders want him to be reappointed, just a week after losing his job in a boardroom dispute.

There was little respite for the underwriters of the £143 million rights issue of British Biotech. Ordinary shares fell 18p to £20.40, a discount of 10p.

The price ended the day at 43p, a premium of 7p.

**ENTENTE CORDIALE HITS A FLAT NOTE**

**TESCO**

Source: Datastream

Share price

FT all-share index (rebased)

July Aug Sep Oct Nov Dec Jan Feb Mar Apr May Jun Jul

350p  
340p  
330p  
320p  
310p  
300p  
290p  
280p  
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THE  
TIMES  
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Not exactly  
bubbling over

NOT a cloud on the horizon yesterday when, after so many false starts, the age of paperless stock market share trading finally dawned. Or so it seemed. Crest, the new settlement system, had been running faultlessly since 3am and the first deals had been logged. Imagine then the consternation when minutes before Chancellor Kenneth Clarke, accompanied by Angela Knight, his Treasury Minister, were due to arrive for the unveiling of a specially commissioned sculpture. It was discovered that there was not nearly enough "sparkling wine" to go round. Minions were dispatched to the nearest store — a Safeway supermarket directly below Crest's office.

Self-conviction

VOLUNTEERING to be a guinea pig to test the taxman's new self-assessment programme can be a dangerous business. Of the 20,000 volunteers in Leicester and Southampton, who have spent the last two years filling in the new tax returns as part of the Revenue's introduction of its self-assessment system, more than one has lived to regret it. During the course of the pilot, certain, irregularities came to light in their tax affairs. Now they face the full weight of the Revenue.



"No panic — any minor leakage in our share price is merely routine"

Wilson? Who he?

SOUTHERN ELECTRIC shareholders who recently received news about their annual meeting will have done so with some puzzlement. Item three on the agenda is to reappoint Geoffrey Wilson. This is the same Mr Wilson who had in fact said last week that he was stepping down as chairman and leaving the company. The boardroom shake-up, announced after Southern Electric's failed bid for Southampton Water, must have moved too swiftly for the administrative machine.

Sinking feeling

AN OMINOUS sign for Blue Star Line, one of the 15 City institutions who took part in the St John Ambulance Dragon Boat Race last weekend. As excited spectators gathered round the edge of Millwall Dock, in anticipation of the first race, the team from Blue Star Line, decked out in war paint and T-shirts splashed with the company name, made its way to the starting line. Unfortunately for the shipping company — its boat sank. Meanwhile British Airways' bear, Merrill Lynch and Save Prosper for the dragon's head cup.

BUPA looks to be heading down the same flight path as its rival PPP Healthcare. Valerie Gooding, who was yesterday appointed managing director UK operations, was a former British Airways director. But for now, PPP Healthcare has the monopoly. Peter Owen, group chief executive, Bob Challens, managing director PPP Healthcare and Denis Walker, human resources director, are among a crew of former BA employees at PPP.

MORAG PRESTON

# Public sector puzzle casts shadow over jobs figures

Philip Bassett on the contradictory data that has left Whitehall number crunchers worried

**T**HE Government hopes to announce a further fall in unemployment tomorrow. But behind the headline figures on the number of people out of work lie further clues about a problem worrying Whitehall statisticians: the apparent growth of the public sector.

In the Thatcherite 1980s, cutting back the public sector was a tenet of government policy. The Conservative Government since then has been as keen to keep overall public spending under control by holding the size of the public sector under a tight rein, which is why a rise in public sector employment is both a concern to officials, and an embarrassment to Tory ministers.

The Government's jobs record will come under new scrutiny today when the Employment Policy Institute, the independent jobs pressure group, launches the first of its quarterly employment audits — a regular examination of the UK labour market. MPs on the Commons' all-party employment committee will also today begin looking hard at what ministers regard as a key aspect of labour market issues — Britain's non-wage labour costs. And leaders of the Institute of Directors will also argue that the UK's social costs are far too high.

For its part, Labour is promoting new figures, drawn from official data, showing that 9.4 million people have experienced at least one spell of unemployment since the last general election. The Government, already promoting the UK's jobs record against other EU countries, will be heartened by a report to be published on Thursday, by the OECD, forecasting that Britain's unemployment performance is likely to outpace most main economic competitors.

But larger, structural shifts, such as an apparent reversal in the shrinking size of the public sector, carry an underlying importance. Figures from the Treasury show public sector jobs are in decline. In 1981, when the UK workforce stood at 24.5 million, the public sector totalled 5.9 million, compared to 18.6 million in the private sector.

Two decades later, with the workforce roughly constant, the private sector had declined to 17.3 million, while the public sector had increased to 7.2 million. Conservatives, appalled by this growth under the Labour administrations of the 60s and 70s, started hacking back the public sector. By 1993, the results were apparent: public sector numbers were down to 5.5 million, while private sector jobs had soared to 19.6 million.

The following two years saw the trend continue, so that by 1995 total jobs in the private sector stood at 20.3 million, up by



Hospitals are one area of the public sector showing a tendency to expand part-time or temporary employment

17 per cent since 1981. Public sector employment, meanwhile, was down to 5.3 million, a drop of 27 per cent on its 1981 level.

So far, so clear. Some of this is straightforward headcount reduction: the Government now employs, for example, fewer white-collar civil servants than it did. However, new initiatives demand new staff, and some cyclical events, such as unemployment rising and falling, have knock-on effects on staff numbers.

Some of it is a result of privatisation. With large bodies, such as BT, British Coal, British Gas, and the electricity and water companies, moving into the private sector, overall public sector numbers fall. From 1989, universities, polytechnics and state schools opting out of local authority control were reclassified as non-profit-making private sector bodies, and a similar transfer took place four years later for further education colleges.

But if the Treasury's figures seem to be telling a clear story, what is worrying Whitehall is a separate set of numbers which seems to be showing, in recent months at least, entirely the opposite. The Government will tomorrow release the first snapshot results from its quarterly Labour Force Survey (LFS), taken from a sample of 60,000 households in Britain.

LFS figures showed, until the winter and spring of 1994-95, a steady reduction in public sector employment. Since then, however, the public sector headcount has been on the up. The last two quarters have seen rises of 65,000 and 45,000.

Whitehall statisticians admit privately that at first they simply didn't believe the figures. Now satisfied that the LFS's figures are at least statistically right, they've been trying to find out what is going on. By gender, the detailed figures show a rough equivalence. Public sector male employment has been rising slowly but steadily — up by a net 62,000 over the past year. At the same time, public sector female jobs rose by 74,000.

Part-time work in the public sector has seen some sharp increases. Over the past year, total part-time employment in the public sector has risen by 134,000, while part-time private sector jobs rose by 56,000. Incomes in independent labour market, the market analyst, suggests that many public sector bodies, such as hospitals, are showing a "tendency to expand part-time and temporary employment".

The Government produces two main forms of employment data. The first, the Workforce in Employment (WIE) series, is based on a survey of employers. The second, the LFS figures, are a count of a sample of individuals at home. The two

series have diverged embarrassingly in the past, with each telling a different story: one showing employment rising, and one showing it falling. Although they are running in broadly the same direction at the moment, there is still a numerical gap, and Whitehall officials have come to accept that there is likely to remain a significant gap which cannot be bridged.

Currently the gap, according to the most recent comparable sets of figures, is £731,000 for public sector jobs, and a little more than one million for private sector employment — though the LFS figure for public sector jobs is higher than the WIE figure, while the WIE figure for private sector employment is higher than the LFS estimate.

Differences of definition may be part of the explanation. So, too, may people's views about their own jobs, as measured by the LFS. Some people may be counted by an employers' survey as being in the private sector (people employed by a contract cleaning firm, for instance), whereas someone from such a company's workforce, questioned at home by the LFS, might see themselves as a cleaner in a public sector hospital and be classified as such.

Even so, analysts accept that such differences probably do not account for all or even most of the gap and more statistical work needs to be done.

Before or after the next general election, public sector finances will be crucial. Labour costs form a huge majority of the total cost of the public sector, and whatever the Government's political colour, making sure of the basic facts behind those costs is a vital part of understanding the public finances, the labour market and the economy.



## Tax cuts that are duty-free

**I**can today reveal a top secret Budget judgment. Despite his reputation as a latter-day Iron Chancellor, Kenneth Clarke has decided to give the British public a big pre-election tax cut, worth far more than backbench Tories had dared to imagine in their wildest dreams. Next year's tax cut will be worth £6 billion and its value will increase even further if the Tories are re-elected in 1997.

How did I get wind of this most halved of government secrets? I cannot, of course, reveal my source by name. But suffice it to say that he (or she) is a highly placed and authoritative government official. Even more importantly, I can now assure you that the figure I was given is perfectly legal to avoid VAT whenever I travelled.

I phoned the BAA number and asked whether there was any restriction on the goods which I, as a British resident, could buy free of VAT (in fact it is illegal to bring duty-free goods worth more than £75 into Britain from a trip to the EU). I was told there was not.

In fact, BAA would guarantee me a saving equal to the VAT on anything I bought duty-free at Heathrow. I then asked whether I would have to pay VAT when I returned to Britain. The operator said: "I don't think so, no." A BAA executive I spoke to gave me a similar answer.

**T**hat duty-free retailers should push for business as hard as the law allows is perhaps not surprising. What did surprise me was the Government's indifference to this tax-avoidance campaign. Neither Customs & Excise nor the Treasury had even noticed the BAA posters. Indeed, the British Government has always defended the scan of duty-free sales against the other governments of Europe.

BAA and the cross-channel ferries are powerful lobbyists for duty-free sales. But Tory backbenchers should remember that every time the Chancellor gives a lobbyist a tax break, he is handing out a tax cut: the same money cannot be handed out a second time as a pre-election tax bribe. So be grateful for the tax cuts the Treasury has handed out already: you can claim yours by going to the airport or hiring a good accountant.

## Road to a better transport network is paved with increased investment

The CBI is today launching a new report calling for more investment in the UK's transport infrastructure. Adair Turner explains why business wants to see more money spent on our transport links.

**R**ECENT transport policy statements by both the Government and the Labour Party have one worrying thing in common. Neither says how much needs to be invested to maintain and develop our transport network to a decent standard.

In a political climate

charged by hopes of tax cuts and fears of tax rises, increasing transport investment is unpopular with any party. But in terms of business competitiveness and broader quality of life, it must be a top priority. The CBI recognises the need for more priority to be given to public transport investment. But this should take place within an increased overall level of investment. Some road traffic growth remains inevitable and cannot be stopped just by switching resources to rail and away from roads. Holes will not go away just because of added pressures on public spending.

The economic and environmental costs of congestion — £15 billion to £20 billion each year — will not fall without greater investment. And our ability to square the circle of environmental pressures and the needs of businesses through more environmental-friendly road schemes, with greater use of tunnelling and other techniques, demands more investment not less.

Businesses across the UK have identified the need for urgent improvements across all transport modes. The investment proposals that the CBI is unveiling today in our report *Winning ways*, aim to tackle congestion, develop strategic corridors serving major markets, and manage



Adair Turner: "Without investment we will pay later through a lower quality of life"

some of the environmental impacts arising from transport. Over the next ten years, we believe transport infrastructure investment needs to rise to an annual average of more than £1 billion, financed by the public and private sectors. That compares with an average £8.75 billion invested each year in the past decade.

The range of business priorities for investment is wide. Improving strategic routes and networks by completing what is left of the national roads programme within 10 years is important, as equally is Railtrack's 10-year investment programme. Developing facilities at airports and ports throughout the UK, and particularly the links to these international gateways, is also vital for a country that is the world's fifth-largest importer and exporter.

But local transport improvements are also important. Greater resource is needed to improve local roads, including

bus priority and cycling measures to help encourage a shift of demand away from cars. Further progress is needed on modernising the London Underground and developing light rail systems in other cities (eg. Manchester).

**E**qually, the CBI investment priorities highlight the need to invest more in research and development of new technologies in transport — 50 per cent more, in the case of publicly funded R&D programmes. This is critical to developing new ways of making better use of the existing network and to reducing the environmental impact of transport.

In *Winning ways* we say that nearly half of the proposed investment should be allocated to maintenance and renewal of existing road and rail networks. With a quarter of our motorways and trunk roads in need of major structural repair in the next nine years, for example, the need

just to bring the current infrastructure up to scratch is as important as increasing capacity. Improving the maintained quality of roads and speeding up the maintenance and repair process, are key to ensuring efficient use of the existing network.

The level of investment sought represents a 10 per cent increase on the high-watermark year of 1992-93. We believe that this expenditure should be a high priority within public expenditure; it is more important to business competitiveness than tax cuts.

Over time, more of this will come from private-sector investment — we estimate very roughly one third — but there will still be a major role for classical public capital expenditure; and even the private sector investment needs to be paid for by Government or by other revenue streams in the future.

We therefore recognise that

there are benefits that all too often are overlooked amid the focus on simply reducing capital expenditure. Increased investment is a key to both more efficient business and a better quality of life. The sooner that point is readily understood by all parties the better. The sooner we then get on with finding new ways of paying for the investment we need, the more rapidly we can make the investments we need.

The author is the Director-General of the CBI





## Losses extended

TRADING PERIOD: Settlement takes place five business days after the day of trade. Changes are calculated on the previous day's close, but adjustments are made when a stock is ex-dividend. Changes, yields and price/earnings ratios are based on middle prices.

1996	High	Low	Change	Price	Yield	PE	1995
<b>ALCOHOLIC BEVERAGES</b>							
122 Allied Breweries	51	48	16.2	48	11.6	11.6	51
123 Blue Circle	29	27	2.0	27	2.0	16.5	29
124 Courageous At	29	29	0.0	29	0.0	19.0	29
125 D.G. Wills	45	43	1.0	43	1.0	16.5	45
126 D.G. Wills	27	27	0.0	27	0.0	12.0	27
127 D.G. Wills	27	27	0.0	27	0.0	12.0	27
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171 D.G. Wills	27	27	0.0	27	0.0	12.0	27
172 D.G. Wills	27	27	0.0	27	0.0	12.0	27
173 D.G. Wills	27	27	0.0	27	0.0	12.0	27
174 D.G. Wills	27	27	0.0	27	0.0	12.0	27
175 D.G. Wills	27	27	0.0	27	0.0	12.0	27
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223 D.G. Wills	27	27	0.0	27	0.0	12.0	27
224 D.G. Wills	27						

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Pot luck  
in print

A MAGISTRATE has gone on the record admitting that he has snorted crack cocaine. He has said a within-the-bench magistrate, a Probation officer and a grammar school teacher have all admitted to regular use of drugs. A magistrate who said he regularly snorted cocaine and injected heroin has gone on the record admitting that he has snorted crack cocaine. He has said a within-the-bench magistrate, a Probation officer and a grammar school teacher have all admitted to regular use of drugs. A magistrate who said he regularly snorted cocaine and injected heroin has gone on the record admitting that he has snorted crack cocaine. He has said a within-the-bench magistrate, a Probation officer and a grammar school teacher have all admitted to regular use of drugs. A magistrate who said he regularly snorted cocaine and injected heroin has gone on the record admitting that he has snorted crack cocaine. 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Advice can be given, however, on the way you approach this problem. It is important that the answer reflects your real intentions. If you say you would expect to be paid at least £35,000 a year, do not be surprised if £25,000 is what you are offered. So often, candidates have second thoughts after they leave the interview. The figure they mentioned was too low. They have felt an obligation to appear reasonable; when the true function of the interview was for both sides to communicate their positions, to avoid misunderstandings.

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James D. Zirin reports on America's continuing debate on the workings of its judiciary

# Judges who dip into politics

Lord Mackay of Clashfern, the Lord Chancellor, last week advised against a Bill of Rights in Britain. There was a danger, he said, that it would draw British judges into making decisions of a far more political nature. And it would require a change in how they are appointed, making their political standpoint as important as their judging ability and leading to the kind of political scrutiny of appointments seen in America.

As the US presidential campaign heats up, candidates continue to debate the state of the federal judiciary. Of the nine members of the Supreme Court, two are aged over 70 and two have had bouts of cancer. Through the exercise of his appointive power, the President elected in November could profoundly influence the court's direction for the next two decades. Thus, both Mr Dole and Mr Clinton have attacked judges who made unpopular decisions, hinting that a major campaign issue is: what's wrong with our American legal system — and its judges?

The political debate should be a healthy one. Judges are also public officials who should not be immune from criticism. But many fear that the rash of invective to which judges have been subjected could have a destructive effect on the independence of the judiciary.

The issue was joined last January in New York in the courtroom of Harold Baer, Jr, a respected federal judge and former New York State trial judge and prosecuting attorney. The prosecution sought to have evidence suppressed on the ground that it was illegally obtained.

The court heard that at 5am in a section of the city described by a veteran police officer as the "hub of the drug trade", plain-clothes police officers saw a middle-aged woman slowly driving an Alamo rental car with Michigan licence plates. The woman stopped and double-parked. Four men walking in

single file approached the car from the opposite side of the street. Without a word to the men, the woman released the boot. One man lifted it open, the second and third placed large duffel bags inside and the fourth closed it.

According to police testimony, the woman drove to the corner and stopped at a red light. The officers followed. At the red light, the four men exchanged glances with the pursuing police officers and quickly went their separate ways.

The light changed to green, and she travelled for about two blocks before the officers pulled her over. Asked the contents of the boot, she replied: "I don't know." They requested the keys and found the bags, which contained 34kg of cocaine and 2kg of heroin with a street value of more than \$1 million.

Under the law, the officers were entitled to stop the woman only on "a reasonable suspicion supported by articulable facts" that criminal activity "may be afoot".

Judge Baer refused to find that what the officers observed amounted to "reasonable suspicion". He held that the mere presence of an individual at 5am in a neighbourhood known for its drug activity was not suspicious. Nor was the fact that an out-of-state licensed car double-parked at such a time and place appeared suspicious.

Judge Baer applied well-established Supreme Court rules that require illegally obtained evidence to be excluded. But his decision provoked a storm of political controversy. Newt Gingrich, the House Speaker, and Senator Bob Dole called for his removal. President Clinton, who had "named" Judge Baer to the Bench, demanded his resignation, only to withdraw the demand after realising that he was no longer entitled to demand the resignation than Judge Baer was entitled to demand his. All three politicians apparently ignored the constitutional provision that federal judges "shall hold their Offices during good Behaviour", which has classically been construed to mean "for life", and can be removed only by impeachment. The constitution is conspicuously silent about decisions that might displease the politicians of the day.

In the wake of the controversy, Judge Baer held a new hearing,



President Clinton and Republican presidential hopeful Bob Dole: both criticised decisions of judges



and after some new evidence, reversed himself. The dramatic about-face touched off new charges, heatedly denied, that Judge Baer had only bowed to political pressure. Later, when the case was assigned to another judge, the woman pleaded guilty but reserved her right to appeal against Judge Baer's ruling.

Judicial deference to political pressure is not new in America. When the Supreme Court, in a series of 5-4 decisions in the 1930s, struck down the National Recovery Act, as well as other measures in Franklin Roosevelt's New Deal pantheon, the President proposed legislation that would give him an extra appointment for each member of the court aged over 70 years who did not retire within six months. Confronting the clear and present danger to its composition, the court shifted its position and upheld several other New Deal measures — also by 5-4.

After a recent spate of apparently irrational decisions by some New York judges prompted fresh political controversy, Chief Judge Judith Kaye of the New York Court of Appeals expressed "grave concern" about the "tone, frequency and volume" of criticism recently levelled at the courts by some political figures and said that she would defend the court's traditional role as the guardians of sacred rights. And three federal appellate judges, in an unprecedented move, denounced Judge Baer's critics as forces tending to undermine the independence of the federal judiciary.

The shibboleth of "judicial independence", however, must not throttle all debate. For, as Justice Thurgood Marshall observed, the only real source of power that a judge can tap is the "respect of the people".

• The author, a trial lawyer, is a partner in Browne & Wood, a New York law firm.

## What future for the professionals?

An annual survey makes helpful suggestions for law firms' futures

There was a neat coincidence last week between the Law Society elections and the publication of the annual Coopers & Lybrand survey of financial management by law firms. Both focused on the imperilled future of the legal profession. Yet the issues being addressed were almost on different planets.

The Law Society's problems have been characterised as centring on its conflicting dual role both as regulator and as a quasi trade union. However, Coopers & Lybrand reports that the real way to a better future for law firms is for them to become more commercial enterprises.

Success for many law firms, says Coopers & Lybrand, now depends on their ability to attract more work through marketing and then to

perform it more cost-effectively, using modern methods and quality systems (echoes of the messages put out by the Law Society before the Martin Mears revolution).

It means that lawyers must move decisively away from the traditional trappings of their profession. The legal processes must be "re-engineered"; lawyers must be clear about what they are trying to produce for their clients and to rethink from scratch the most efficient way of producing it. And that means big changes.

Steve McBride, the finance director of Hammond Sudards, is one of the keenest advocates of this approach. He is adamant that the old conventions must be stripped away. He says: "It is no longer realistic for solicitors to expect to have large offices or secretaries to themselves. Given the costs of rentals, lawyers must be able to work from cubby holes and to use information technology to do for themselves what secretaries used to undertake."

Similar issues are on the mind

of Peter Wigmann, the chief executive of Ward Hadaway, which is now recognised as one of the North East's growing legal forces.

Having grown from a staff of 60 in 1989, the Newcastle firm expects to be nudging 200 by the end of this year to follow the path of Dibb Lupton Broomhead and the other big regional firms now recognised on the national scene.

Mr Wigmann, who is not a lawyer but a former Marks & Spencer manager, said, when asked the difference between managing a law firm and an M & S branch, that the principles are similar. "The goods sold may be different," he says, "but the processes and practices we operate are much the same."

Now that the firm is about to move into new premises, Mr Wigmann is also acutely conscious of the need for cost-efficient space. He says: "We are ensuring that we have the facilities for people to work from home and to make full use of it." By achieving its space goal,

Ward Hadaway must be among the most efficient of the top 20 per cent of law firms in the country. But almost half the firms surveyed by Coopers & Lybrand are still giving fee-earners more than 300 sq ft each. This is clearly a tremendous drain on resources.

According to the survey, it is the medium-size firms that are really suffering. Small niche firms can still be very profitable, as can the very biggest firms with a healthy corporate base and the management techniques to maximise their effectiveness.

So Law Society elections aside, the real issues for lawyers are about efficiency and managerial vision.

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THE TIMES TUESDAY JULY 16 1996



## ■ VISUAL ART 1

Michael Landy's alarming and bizarre *Scrapheap Services* goes on show in east London



## ■ VISUAL ART 2

... while the Saatchi Gallery gives space to Balkenhol's impassive but impressive figures



## ■ VISUAL ART 3

Ruskin at Oxford: a new show reveals the making of an eminent Victorian



## ■ VISUAL ART 4

Hands across the Channel: paintings from Le Havre come to the English south coast

VISUAL ART: Richard Cork is unnerved by two chilling views of humanity and the inhumane; plus other shows

# Cutting mankind up to size

**W**hen Stephan Balkenhol's *Figure in a Buoy* was marooned in the Thames during the winter of 1992, a passer-by leaped into the icy water to save him from suicide. Seen from the bank, the distant wood effigy of a man in nondescript clothes appeared uncannily lifelike. But the would-be rescuer must have felt very foolish when he discovered, close-to, just how rough and simplified Balkenhol's carving really was.

At his exhibition at the Saatchi Gallery this summer, Balkenhol has no interest in deceptive illusionism. The marks made by his blade are left exposed on the methodically hewn surface of his sculpture. Although he paints these heads and figures, the colour is applied brusquely and does not hide the rawness of the wood beneath. In this respect, he displays a kinship with the German sculptors who revitalised a distinguished national tradition of wood carving early in the 20th century. Ernst Ludwig Kirchner and his allies adopted a deliberately "primitive" approach, cutting with such vehemence that their sculpture still looks rasping.

The wild spirit of Expressionism lingers today, above all in the gouged and daubed figures carved by the uninhibited Georg Baselitz. But Balkenhol distances himself from naked emotionalism. The most distinctive and tantalising aspect of his work lies in its refusal to convey strong feeling. Devoid of passion, the men and women he carves are united by their deadpan air. Arms dangling passively by their sides, they seem incapable of indulging in eruptive gestures. They belong to an everyday, matter-of-fact world, where nobody would dream of rebelling against normal codes of behaviour.

Even when Balkenhol produces a colossal head, he does not invest it with heroic significance. Rearing to a height of nearly 12 ft from the middle of the Saatchi's largest space, *Head of a Man* looks utterly impassive. There is something stubborn about his sheer ordinariness, as if Balkenhol was determined to produce an antidote to all those spurious stories of demagogues that once loomed over public spaces in Germany.

In his sculpture, towering size offers no guarantee of invincibility. *Large Man* rises almost 11 ft from the floor, and is chiselled out of the same tree-trunk which provides an ample base for his feet. He leans at an unstable angle, though, like someone recoiling from a threat. And, as we move around this supposed titan, his

body becomes thinner. The substance he displays from the front shrinks, at the side, to a far more vulnerable attenuation.

Balkenhol likes to confound our first impressions by exploiting sculpture's capacity for change. *Large Male Head Relief* appears composed enough, sheltering within its unchiselled and projecting poplar surround. Seen from the right, however, the face buckles and contorts, ending up trapped by its wood container rather than nesting there. Near by, the bland normality of *Man with Green Shirt* suddenly loses its reassuring sense of wholeness: at the back, Balkenhol has sliced off his shoulders in a surprisingly drastic manner. As for *Double Identity Figure*, both he and his "reflection" turn out to be desperately thin from the side. They look like shooting targets at a funfair, and the "reflected" figure is pierced by a bullet-shaped hole where his navel should be.

The longer I stayed in this exhibition, the more unsettling it became. Three life-size female nudes, standing on tall plinths each painted a contrasting colour, initially seem unexceptional to the point of outlandishness. But, as I moved among them, deep cracks became noticeable. Dark fissures ran down the back of one woman, while another crack travelled between the breasts of another. Whether or not they are simply faults in the wood, Balkenhol's unwillingness to hide them says a great deal about his interest in the understated exposure of infirmity.

Some of the exhibits are playful, and they show the sculptor at his weakest. One carving, of a doll-size man wrapping his limbs around a giraffe's neck, looks merely whimsical. And the circular convocation of bears perched on tall columns of lignum vitae seem ingratiatingly twee. They are unworthy of the man who is able, in another carving called *Harlequin*, to invert the simplest movement with a surprising amount of disquiet. The man's diamond-patterned shirt may look festive enough, but he gazes upwards and askance, like an animal sniffing the air for a scent of danger. In common with most of Balkenhol's figures, he resembles a bystander rather than someone capable of commanding and deserving centre-stage attention.

At the same, his innate dignity and poise should not be underestimated. The first time I saw Michael Landy's ambitious installation, *Scrapheap Services*, it occupied the decaying interior of the derelict Electric Press Building in Leeds. Now it has moved to the hygienic whiteness of the Chisenhale Gallery in east London, where the surroundings emphasise the clinical efficiency of the event he dramatises. The gallery floor is littered with a multitude of tiny figures, cut from discarded crisp packets, hamburger cartons or beer cans. But the employees of *Scrapheap Services*, a make-believe cleaning company founded by Landy a couple of years ago, are on hand to clear the mess away.

The red-uniformed mannequins are silent as they spike, shovel or sweep their way through the detritus.

A smoothly persuasive video is on hand, however, with a purring voice of welcome and explanation.

*Scrapheap Services* is, apparently,

"the cleaning company that cares because you don't". Without a trace of genuine concern, the voice observes that "a prosperous society depends upon a minority of people being discarded". But the tone becomes

principled when he asks: "Why put



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But the tone becomes

principled when he asks: "Why put

up with unsightly people who are such a burden on your resources, when you can turn to the *Scrapheap Services* people-control range of products?"

With the identical nylon-suited dispensers at hand, nobody need fear being overwhelmed by these diminutive victims.

However, they may

besmirch the Chisenhale's immaculate white floor, their unwanted bodies will soon be gathered, bagged

and consigned to the equally red

"purpose-built people shredder",

dominating the room like a callous, hideously enlarged predator.

Landy calls it the Vulture, and ensures that the machine's implacable presence

gives the entire tableau a chilling air.

The impersonal cleaners, with their corporate clothes and logo-decorated implements, are the anonymous servants of a system whose leaders care

more about downsizing than people.

Unsightliness is the only fault they

can find in unemployment, and the

puerilising Vulture can be relied on

to reduce all the redundant figures to a state of invisibility.

But not just yet. Landy opts for the moment before the final sweep-up, when the embarrassing jobless thousands still defile the ground. Their heaped-up proliferation is the most disturbing feature of the installation, largely because Landy cut each one from rubbish he salvaged from take-aways and recycling centres.

The extraordinary patience and devotion that went into the figures' individual shaping became clear when I examined them closely, and it made their disposability far more melancholy.

The wastefulness of the whole operation hangs over Landy's elaborate enterprise, making a nonsense of the video's smooth-tongued sales-talk and ensuring that *Scrapheap Services* will remain a glacial parable for our times.

• Stephan Balkenhol is at the Saatchi Gallery 0171-828 8299, and *Scrapheap Services* at the Chisenhale Gallery 0181-981 4518, both until July 28

## Do as I do, as I see and say

Isabel Carlisle is intrigued by the teacher's art of Ruskin and Oxford



A Ruskin window design for the Oxford Museum

to the University Galleries (the forerunner of the Ashmolean)

and later teaching, art

Ruskin came to a fundamental assumption that nature was supreme and that the creative process was secondary to the act of looking: an offbeat proto-theory of the psychology of perception.

He both collected drawings by artists that he admired, such as Turner and Dürer, and drew himself, to

create a body of source material

from which students could

learn by copying. Among the

drawings and sketches by

Turner that Ruskin later gave

an almost mystical, and entirely personal, way. In these disturbingly intense, slightly surreal, topographical sketches Ruskin believed himself to be an agent of the divine.

In that sense – his rejection of the artist's very human role as an interpreter – Ruskin was not himself an artist. It was this attitude that brought him into headlong conflict with Whistler at the famous "pot of paint" trial in 1878.

Nor, when he was appointed to the first Slade Professor of Fine Art at Oxford in 1869, did Ruskin intend to teach artists. He had much grander ambitions, to the alarm of the Oxford authorities. Seeing by drawing was to have an impact on the moral fibre of the Empire.

The teaching series, among them those labelled the Rudimentary and the Elementary, took students on the journeys of Creation, from rocks, through plants and birds, to landscape and architecture. Ruskin's architecture rejected the classical orders and embraced Italian Gothic – it was nature at its best. Life drawing, which Ruskin found personally disturbing, was to be reserved for real

power.

When Ruskin expounded his theories on art in *Modern Painters*, the Pre-Raphaelite Brotherhood eagerly rushed to their studios to put them into practice. He taught generations of Victorians how to look at art, and knocked the classical ideal off its pedestal. No art critic since in this country, excepting possibly Roger Fry, has wielded such enormous power.

Perhaps the centenary of Ruskin's death in 2000 will give scholars the chance to bring the different facets of Ruskin's complicated intellectual life together and explain just why it was that he came to exert such an enormous influence on Victorian art and thought.

• *Ruskin and Oxford* is at the Ashmolean Museum, Oxford, until Sept 15. The exhibition then moves to the Mappin Art Gallery, Sheffield, from Sept 28 until Nov 24

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**CHOICE 1**  
James Baldwin's early story, *Giovanni's Room*, comes to the stage  
VENUE: Opens tonight at the Drill Hall



**CHOICE 2**  
Another outing for Cole Porter's bubbly musical, *High Society*  
VENUE: From tonight at the Anvil, Basingstoke



**CHOICE 3**  
Michael Berkeley's *Love is strong as Death* receives its public premiere  
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**OPERA**  
British singers do Handel proud as Göttingen stages his *Riccardo Primo*

## LONDON

**ALLEGRIA D'AFRODITA** The British premiere of Salvatore Colomini's *Venice*, in which fragments of texts are arranged within six movements to create a musical "Still Life in One Act". With Susan Stockley, mezzo-soprano; Rob Hind, piano; and Francesco-Maria Cipolla, tenor. At the Royal Opera House (0171-358 4404). Tonight, 8pm. £5.

**GRANDMAMA'S BOOGIE** Stage version of James Baldwin's remarkable literary debut: a young American finds gay love in Paris and, in this being 1956, inspired results. Adaptation includes an original jazz score. With Sean Mathias. At the Drill Hall, Charles St, WC1 (0171-837 8270). Opens tonight, 7.30pm. Then Tue-Sun, 8pm. Until Aug 3.

**THE MEMORY OF WATER** Terry Johnson directs a play by new author Shakespeare, in which a woman in a quiet house follows a mother's funeral, though she still appears in the play. With Judy Parfitt. Hayon Glynn. At the Swan, Swan Court, Swan St, EC1 (0171-837 8270). Opens tonight, 7.30pm. Then Tue-Sun, 8pm. Until Aug 3.

**INTERVIEW WITH THE KING** A young American finds gay love in Paris and, in this being 1956, inspired results. Adaptation includes an original jazz score. With Sean Mathias. At the Drill Hall, Charles St, WC1 (0171-837 8270). Opens tonight, 7.30pm. Then Tue-Sun, 8pm. Until Aug 3.

**THE CHOICE** Michael Balfe's moving and semi-autobiographical play about losing a son's syndrome child. Jackson, with David Pugh, Mairi McIntosh, Dominic Hill, Director: Terry Johnson. Orange Tree, Clarence St, Richmond (0181-904 0141). Mon-Sat, 7.45pm; mat Sat, 4pm. Until Aug 3.

**EDMUND** Simon Phillips directs Tracey Childs, Michael Howe and Martin Fisher in the championing of musical comedy. At the Hope and Anchor, Armit, Churchill Lane (01865 844 244).

**THE ASPIRIN PAPERS** Michael Redgrave's slightly old-fashioned version of the Harry James tale of Harry Hollingshead, Will Hays' Good, Clean, Decent, True, Moral, Litter, Whorehouse, Charing Cross Road, WC2 (0171-359 1738). Mon-Fri, 8pm; Sat, 8.30pm; mat Sat, 8pm; Sat, 4pm.

**THE CHOICE** Ian McEwan plays the mother to be in Claire Lueking's moving and semi-autobiographical play about losing a son's syndrome child. Jackson, with David Pugh, Mairi McIntosh, Dominic Hill, Director: Terry Johnson. Orange Tree, Clarence St, Richmond (0181-904 0141). Mon-Sat, 7.45pm; mat Sat, 4pm.

**EDMUND** Simon Phillips' much-loved production arrives in London for a new run, continuing, ever-bounding fresh. Last week: Mermaid, Puddle Dock, EC4 (0171-256 2211). Tues-Sat, 7.30pm; mat Sat, 3pm. Until July 20.

**THE GOLD COUPLE** Jack Klugman, Tony Randall play the two divorced husbands who find themselves in a new life of Simon's creation. Tivoli, 170 Shaftesbury Ave, SW1 (0171-920 8200). Mon-Fri, 8pm; Sat, 8.15pm; mat Thurs, 8pm and Sat, 6pm.

**ROMEO AND JULIET** Lucy Whitchurch's Juliet is one of the better things in Adrian Noble's so-so production from last year's Stratford. Shakes, Shaks, Shaks EC2 (0171-358 3525).

**NEW RELEASES** **THE CABLE GUY** (12): Obscene comedy with Jim Carrey as a pathological cable television technician. With Matthew Broderick, Director: Sam Raimi. Columbia Pictures Horizons (0171-352 3525). **GMICs**: *Chances* (0171-352 5098). **Troopers** (0171-354 0031). **Odeon**: *Kensington* (0143 814628). **Seas**: *Comet* (0143 814628). **UCI**: *Whaleys* (0171-352 5098). **Palmer**: *Hotel* (0171-352 2356). **Warner West**: *West* (0171-437 4343).

**THE CLOUTED GLOBET** (18): Absorbing documentary about the treatment of gays in mainstream movies. Director: Rick Easton and Jeffrey Friedman. *They* (0171-732 1519). *Screen* on Sunday (0171-277 2272). *Wharf* on Saturday (0171-523 1527).

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## ■ POP 1

Could Cathy Dennis buck the trend that consigns female British singers to quick oblivion?



## ■ POP 2

Foo Fighters and other tribes gather in Dublin for nights of fun and Féile

## THE ARTS



## ■ MUSIC

Piping hot: Gillian Weir proves to have no peers in the Saint-Saëns Organ Symphony



■ TOMORROW  
New notes for an old venue: how the BBC risks all with its Proms commissions

POP: What became of club diva Cathy Dennis once the hits dried up? Alan Jackson reports. Plus, Dublin's Féile

# New romance after the dance

**T**his is, it is generally agreed, a vintage era for women pop performers. The once-in-a-blue-moon record buyer — the one who only braved the queue at the check-out whenever Dire Straits or Simply Red released something new — is now swaggering out of stores all over the world with the current multimillion-seller by Alanis Morissette or Celine Dion. Female artists now dominate rock, soul, dance, folk and power balladeering. Such omnipresent talents are almost all imported, however. What, you have to ask, happened to the British female pop star?

In the 1980s, they wore stiff, starched gowns and sang bracing ballads, loudly and with full orchestral backing. In the 1990s, they all took over the world. Pet and Dusty, Lulu and Sandie, Cilla and Marianne all remain musically active, be it in theatre, light entertainment TV or Brechtian cabaret.

And since then? Home-nurtured talent has either glowed only intermittently (Kate Bush, Joan Armatrading), or fizzled disappointingly (Jaki Graham, Mica Paris). Indeed, so critically diminished is the form that even relative stalwarts flee it gratefully — witness Kim Wilde who, after 15 years of pouting for Britain, won possibly her first kind review for playing a mum in the London stage production of *Tommy*.

The happy truth is that creative women demand more than just the chance to look decorative for a stage audience or TV camera. The British artists who have operated the most successfully within the mainstream are those who have made a highly individual but easily marketable type of music: Annie Lennox, say, or Sade. But what of those whose natural habitat is the pure pop song? Both Lisa Stansfield and Dina Carroll

would seem to have gone AWOL, leaving the feeble former Eternal singer Louise as our only competitor to the genre's undisputed queen, Madonna.

So welcome back Cathy Dennis, whose career has neatly encapsulated all the highs and lows of pop. In 1989, aged 20 and as yet unknown in her home country, she had an American No 1 as featured vocalist on the D-Mob single, *C'mon and Get My Love*. A first solo LP, *Mow to This*, was released two years later

■ I felt as if I had nothing original to offer

and brought her four further Top Ten hits in America. The follow-up album, *Into the Skyline*, was less successful, but not significantly so. And then... silence. At least as far as record-buyers were concerned. But although the Norwich-born singer and songwriter was not consumed by the same black hole that has swallowed so many of her peers, she admits that keeping going has not always been easy.

"Three years ago, I was ready to give up music altogether," she says. "I felt as if everything had been done before, that all the good songs had been written, and that I had nothing original to offer. I had written and demo-ed between 60 and 70 tracks for a third album, but most of them were absolute rubbish — commercial dance-pop, so formulaic I could have produced it in my sleep, and with very little of my real self in it."

Then her music publishing company sent her on one of its annual residential courses in the Devon countryside. Each morning for a week she and a host of other writers would be assigned a new musical partner and given the task of composing a song. The experience was pivotal. "Most of them had nothing to do with the dance world, and composed on guitars," she says. "And through them I discovered a lot of rock artists that I could like. I came back to London and bought loads of CDs, particularly by 1960s acts like the Small Faces, the Kinks, the Beach Boys and even the Beatles. I was a bit late discovering them, I suppose, but I got there eventually."

The resulting influence on her work can be heard on a completely different third album to the one Dennis anticipated. It is titled *Am I the Kind of Girl?* Her clever, quirky but still very pop-oriented songs (one each co-written with Ray Davies of the Kinks and Andy Partridge of XTC) are full of life and humour. "I've had to ignore other people's expectations of me and concentrate on pleasing myself," she says. "I've not played my other two albums since the day I completed them, but this one I'm really proud of."

Radio reaction to a first single, *West End Pad*, to be released next Monday, suggests that Dennis might well be en route to a decisive comeback. Meanwhile, calls to their respective record labels lead to assurances that Stanfield ("She's very definitely hard at work on something") and Carroll ("There'll be news of a second album very shortly") are also planning long-overdue returns to the public arena. This, combined with the recent return of Gabrielle, can only be good news.

■ Am I the Kind of Girl? is released by Polydor on August 12



"I've not played my other two albums since the day I completed them, but this one I'm really proud of": Cathy Dennis on *Am I the Kind of Girl?*

# Hardbop grandpop swings on

## JAZZ

Horace Silver  
Forum, NW5

with a funky backbeat today provides such rich pickings for the hippest of samplers, as at times resemble that of an avowedly mainstream figure — Humphrey Lyndton.

ALTHOUGH he has adopted the tag "The Hardbop Grandpop", even using it for the title of his new album, American pianist Horace Silver acknowledges that his "influences and inspirations go back to the swing era". Thus the live septet sound of the man who spawned a movement in the 1950s with such compositions as *Opus de Funk* and *The Preacher*, and whose distinctive soul-jazz

## CLASSICAL CHOICE

A guide to the best available recordings, presented in conjunction with Radio 3

## SAINT-SAËNS SYMPHONY NO 3

by Edward Greenfield

When composing his Symphony No 3, or Organ Symphony, Saint-Saëns sent a message to the secretary of the Royal Philharmonic Society in London, which had commissioned the piece: "It will be terrifying, I warn you." Saint-Saëns was referring to the extravagance of the scoring, with a role for the organ, two pianos, triple woodwind and heavy brass.

Reflecting his dedication of the work to the memory of Franz Liszt, Saint-Saëns subjects his main theme, based on the *Die Irae*, to an elaborate series of Lisztian transformations, providing the thematic material for a large-scale symphonic structure.

To sound idiomatic, the Organ Symphony has to be treated with fair freedom over phrasing and speed-changes. Herbert von Karajan with the Berlin Philharmonic, in his 1981 recording for DG, at very slow speeds, loses tension.

James Levine with the same orchestra five years later, also on DG, is more understanding but larger-than-life.

The 1959 recording from Charles Munch and the Boston Symphony Orchestra on RCA is most persuasive in its flexibility and power but lacks gentler dynamics. Jean Martinon's two recordings



with the French National Radio Orchestra are the most idiomatic sounding of all. The more recent 1975 EMI one is outstanding. This is the best budget choice.

At mid-price on DG Daniel Barenboim and the Chicago Symphony Orchestra in their 1976 recording give a ripe reading. Mariss Jansons and the Oslo Philharmonic Orchestra on EMI offer in many ways the subtlest version of all, but the finale is marred by slow speed and grating, superimposed organ sound.

Among modern digital recordings, a clear first choice is the Chandos version from Yann-Pascal Tortelier and the Ulster Orchestra with Gillian Weir on the organ (Chandos CHAN 8822-2, £13.99).

The exceptionally rich sound brings out the full range of a warmly idiomatic reading, marked by superb ensemble.

It conveys the rush of adrenalin which in the finale must crown a really satisfying performance, skirting vulgarity by a mere whisker.

■ To order the recommended recording, with free delivery, please send a cheque payable to The Times CD Mail to 29 Pall Mall Deposit, Barley Road, London W10 6BL or freephone 0800 418419; e-mail: bid@mail.bogu.co.uk

■ Building a Library returns in September

Ironically, the vast majority of Silver's large and faithful following would never consider attending a Lyndton concert and his work remains unsung, but the strictly musical similarities between the two senior jazzmen are more than fanciful. The explanation lies in the material Silver presented.

All but the concluding classic, *Song for My Father*, were taken from *The Hardbop Grandpop*, and although the basic mix of Silver influences remains unchanged — jazzy soul jostling with smart Latin beats, unaffected peppy struts rubbing shoulders with mid-tempo blues material — the funky bite of old is largely absent, the overall sound altogether mellower. True, the concert's opener, *I Want You*, was an insistent buster with a beat Silver admitted to bor-

rowing from Bo Diddley, but the neatness of the arrangement, and the straightforward swinging solos — particularly from trumpeter Ron Stout — harked back to pre-bop times as much as to Silver's heyday.

What he lacked in outright trenchancy he more than made up for with delicacy and sly wit. In *I Got the Blues in Santa Cruz*, which featured a typically cogent contribution from late-substitute UK-based tenorman Jean Toussaint — and his most famous tune, *Song for My Father*, Silver demonstrated that he is still a deeply affecting soloist. His rhythmic sense has always been unequalled: hard-bopper or mainstreamer, he continues to justify his near-legendary status.

CHRIS PARKER

# Pageant of detail

## CONCERT

OAE/Norrrington  
Queen Elizabeth Hall

phrase, the performance took on the character of a pageant of incident and detail.

There was the contrast between the compacted energy of the opening chords, and the long, singing chord which heralded the magic flutes of Part Three with its new humanity. There were the sweeping upbows as the Spirit of God moved upon the waters, and the dark spirits of Hell, fleeing in the voice of a single, snarling flute. There were the sad steps of the double-basses' lunar journey; and the glorious extended bestiary of horn, clarinet and contra-bassoon.

The evening's soloists moved from the archangelic to the mortal, with energy: Hillel Martinpelto radiant as Gabriel and Eva; Robert Lloyd heroic as Raphael and Adam; while John Mark Ainsley as Uriel, announcing the creation of mankind itself seemed, together with the outstanding choir, the voice of Enlightenment incarnate.

HILARY FINCH

## AN EXCLUSIVE TIMES COMPETITION

# Go for gold in Atlanta

Your chance to win a VIP trip to the Olympics

**The Times** has teamed up with Kodak to offer you the chance to win the trip of a lifetime — a VIP holiday for two to the Olympic Games in Atlanta. The prize includes five nights with breakfast at the luxurious Stouffer Renaissance Hotel, £500 spending money, entry to the athletics and basketball finals and the closing ceremony. Throughout the six days, expert couriers will be on hand to guide you in Atlanta. Our winner and his/her partner will get a Kodak Olympic pack containing a cooler bag, T-shirt and a Kodak Fun Sports waterproof camera, and 10 rolls of Kodak Gold Ultra film.

Twenty runners-up will win an Olympic pack and six rolls of Kodak Gold Ultra film. To enter simply answer the question and telephone our competition hotline with your answer and you could be among the 80,000 people who witness the spectacle of the closing ceremony of the 1996 Olympic Games in Atlanta.

**YOUR OLYMPIC ITINERARY**  
DAY ONE Wednesday July 31. Fly from London to Atlanta and transfer to your hotel, the Stouffer Renaissance.

DAY TWO Day at leisure.

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DAY THREE Spend the day at the Olympic retreat in Callaway Gardens. Enjoy a southern-style lunch. In the evening, watch men's basketball at the Georgia Dome.

DAY FOUR Day at leisure. You will spend the evening at the Olympic Stadium where the athletics finals include the women's high jump, men's javelin, men's and women's 4x100m, men's and women's 1500m and 4x400m.

DAY FIVE Spend the day in downtown Atlanta with the chance to visit the World of Coca-Cola, the Olympic Centennial Park and CNN. In the evening you will attend the closing ceremony of the 1996 Olympic Games.

DAY SIX Morning at leisure before your return flight to London.

**HOW TO ENTER** Call our competition hotline with your answer to this question:

Which one of the following has won Olympic gold?  
a) Colin Jackson  
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The winner will be selected at random from all correct entries received by midnight on Sunday July 21. The winner must hold a valid 10-year passport. Normal Times Newspapers competition rules apply.



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# Podenzana makes most of rare day in spotlight

BY PETER BRYAN

IT WAS hot, the Pyrenees lie ahead and the big guns were content to take the day off and let the *domestiques* sample the spotlight. Bjarne Riis, Miguel Indurain, Evgeni Berzin, Abraham Olano *et al* thus sat back and rested before their battles to come and Massimo Podenzana, of Italy, convinced that, at 34, his best days lay far behind him, yesterday won the fifteenth stage of the Tour over 109 miles from Brive-la-Gaillarde and Villeneuve-sur-Lot. He could barely believe his luck.

That it was meaningless as far as the general classification is concerned bothered Podenzana not at all. He had been part of a marathon breakaway by a handful of the workhorses of the Tour, riders whose usual task is to exhaust themselves in the service of

better-known and better-paid team leaders, and, after helping to build and then maintain a healthy lead over the rest of the peloton, he broke away again before the finish, crossing the line 35sec ahead of Giuseppe Guarini, another Italian, with Peter van Peleghem, of Belgium, third, 49sec behind the winner. Neil Stephens, of Australia, had seemed well-placed for stage victory, but he crashed and finished 1min 4sec after Podenzana.

"This is the most important moment of my career," the victor beamed afterwards. "I was thinking about retirement, but maybe I will go on for another year." How a win can change things.

The big guns kept their powder dry, allowing Podenzana's half dozen strong group to build an advantage of more than nine minutes at one stage before finally accelerating to finish in a pack 5min 38sec behind. They had hardly broken sweat, as is traditional for the Tour's principal contenders before the going gets tough, as it will on the approach to the Pyrenees today, when the stage has a long climb to the mountain-top finish at Lourdes-Hautacam. The route will be but a sampler for those to follow tomorrow and, by Thursday, the final outcome of the three-week marathon might be decided.

The main players will be Riis and Indurain. Riis is confident that he can match any challenge from the Spaniard in the mountains and hold his advantage for the individual time-trial on Saturday before the final run-in to Paris — even if he was playing it cool yesterday, saying only: "It is a very important stage. Hopefully, I can fare well and keep the jersey."

Indurain accepts Riis as the only rival likely to prevent him from setting a Tour record of six successive victories, but there is a feeling among the peloton that Indurain, heartened by the change in weather — he excels in the heat and hates the cold and rain — is about to counter-attack.

The Pyrenees will present a challenge to Chris Boardman, of Great Britain. He finished in the main pack yesterday, is still 31st overall and is showing signs that he is recovering from his earlier illness.

Yesterdays' stage to Lourdes-Hautacam (102 miles) was won by Bjarne Riis (Den), Telekom at 2:16; 8, M. Indurain (Sp), Espana at 2:28; 9, M. Olano (Sp), P. van Peleghem (Bel), TWA at 2:42; 10, M. Bartali (It), MG-Technogym, same time; 11, F. Lemarchand (Fr) and (Pr) Gan at 1min (Spec 8, N. Stephens (Aus), 1min 14sec, 7, E. Berzin (Lat), 12, M. Guarini (It), 13, L. Leckström (Fin), 14, J. Riis (Den), 15, T. Lehtinen (Fin), 16, P. Stephens (It), 17, R. Stephens (It), 18, 2:16; 19, A. Gammarelli (Sp), Circe at 11:45; 18, A. Gammarelli (Sp), Circe at 12:25; 19, D. Abadie (Fr), 20, 2:16; 21, 2:16; 22, 2:16; 23, G. Tardieu (Fr), Aubertine at 14; 14, J. Gouvenou (Fr), Aubertine at 15; 15, F. Simon (Fr), 16, P. Forcada (Sp), 17, 2:16; 18, J. T. Tolosa (Sp), 19, 2:16; 20, J. P. Aguirre (Sp); 21, J. L. Masedo (Fr), 22, 2:16; 23, 2:16; 24, 2:16; 25, 2:16; 26, 2:16; 27, 2:16; 28, 2:16; 29, 2:16; 30, 2:16; 31, 2:16; 32, 2:16; 33, 2:16; 34, 2:16; 35, 2:16; 36, 2:16; 37, 2:16; 38, 2:16; 39, 2:16; 40, 2:16; 41, 2:16; 42, 2:16; 43, 2:16; 44, 2:16; 45, 2:16; 46, 2:16; 47, 2:16; 48, 2:16; 49, 2:16; 50, 2:16; 51, 2:16; 52, 2:16; 53, 2:16; 54, 2:16; 55, 2:16; 56, 2:16; 57, 2:16; 58, 2:16; 59, 2:16; 60, 2:16; 61, 2:16; 62, 2:16; 63, 2:16; 64, 2:16; 65, 2:16; 66, 2:16; 67, 2:16; 68, 2:16; 69, 2:16; 70, 2:16; 71, 2:16; 72, 2:16; 73, 2:16; 74, 2:16; 75, 2:16; 76, 2:16; 77, 2:16; 78, 2:16; 79, 2:16; 80, 2:16; 81, 2:16; 82, 2:16; 83, 2:16; 84, 2:16; 85, 2:16; 86, 2:16; 87, 2:16; 88, 2:16; 89, 2:16; 90, 2:16; 91, 2:16; 92, 2:16; 93, 2:16; 94, 2:16; 95, 2:16; 96, 2:16; 97, 2:16; 98, 2:16; 99, 2:16; 100, 2:16; 101, 2:16; 102, 2:16; 103, 2:16; 104, 2:16; 105, 2:16; 106, 2:16; 107, 2:16; 108, 2:16; 109, 2:16; 110, 2:16; 111, 2:16; 112, 2:16; 113, 2:16; 114, 2:16; 115, 2:16; 116, 2:16; 117, 2:16; 118, 2:16; 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## RACING: EUROPEANS CHALLENGED TO SEND STRONG TEAM FOR AUSTRALIA'S SHOWPIECE

## Celeric in line for Melbourne Cup

By RICHARD EVANS  
RACING CORRESPONDENT

WHEN the English cricket team arrived in Australia two years ago for a renewal of the Ashes contests, it was greeted with a headline in a Sydney newspaper which pointedly asked: 'The Poms: Are They Up To It? They were not, and similar questions are now being voiced about British racehorses and their owners.

Les Benton, the general manager of the Victoria Racing Club (VRC) with responsibility for generating international entries and interest in the Melbourne Cup, yesterday indulged in a light-hearted sideswipe at 'Pomme' owners by challenging them to prove that their horses are the best in the world.

Three years after Vintage Crop, trained by Dermot Weld and ridden by Mick Kinane, became the first horse from

Richard Evans

Nap: GREATEST (3.45 Brighton)  
Next best: Song Mist (2.15 Brighton)

the northern hemisphere to win the cup, Benton is hoping for up to 15 European entries for the £1.1 million race, which will bring Australia to a halt on November 5. Entries close on July 30, but there are doubts about how many will make the journey.

'The challenge is there for English and Irish owners to take up,' Benton said. 'I would be very disappointed if they don't take it up. Why have horses that are fit and well staying at home when they are capable of winning premier races on the world calendar?'

Warming to his theme, Benton added: 'We think the English, Irish and Europeans should take up the challenge if they have any go in them. Australians have always been great competitors and the northern hemisphere people should take us on.'

'I would not like to think the English have not got the bottle to take on the Australians on their own ground. If they think they have got the best horses, bring them down to Australia and show us just how good they are.'

## Spread firms to join forces



Celeric, nearside, delivers a winning challenge to Istabraq at York. Future objectives could include the Melbourne Cup. Photograph: Hugh Routledge

The British owner at the forefront of the barrage of words is Christopher Spence, whose colours are carried by the admirable Celeric, winner of the Northumberland Plate and, more recently, a listed race at York on Saturday.

I suggested to Spence in the spring that Celeric was an ideal candidate for the Melbourne Cup, and events of recent weeks have confirmed my view. The four-year-old is likely to receive a racing weight from the VRC handicapper on September 1, but in 12 months' time he could be burdened with top weight.

Spence indicated yesterday that he is up to meeting Benton's challenge. 'We are mindful to go, subject to the horse being all right. Celeric is well and provided he gets a decent handicap mark, it is a serious option.' David Morley (the trainer of Celeric) spoke to

Les Benton at York and believes we must take it seriously.'

The cost of flying a horse to Melbourne and back is between £30,000 and £40,000. However, the prize-money for the cup has been extended to tenth place for the first time this year. The horses placed sixth to tenth will each win £15,000, while prize-money for

the first five is £750,000, £220,000, £100,000, £44,000 and £22,000.

Vintage Crop, third in the cup last year, is likely to have a prep race before attempting to win the Irish St Leger for a third time. If all goes well, he is likely to make the trip for the fourth time.

The Middleham-based

trainer, Mark Johnston, who

has run Quick Ransom and Double Trigger respectively in the last two renewals, is expected to enter Double Trigger and Double Eclipse, while the Clive Britain-trained

Luso, the winner of the Earl Of Sefton Stakes and runner-up in the Prix Ganay, is also pencilled in, along with the Robert Sangster-owned Court Of Honour.

Doubts surrounding the participation of English runners in the Melbourne Cup is reflected in the ante-post book, opened yesterday by Ladbrokes who installed Saamy as its 16-1 favourite to provide Bart Cummings with his tenth cup victory.

Ladbrokes bets: 16-1 Saamy,

20-1 Nohin Leica Dane, 20-1

Dorlemus, 33-1 Crying Game,

Viali, Celier, Double Eclipse,

Vintage Crop, 40-1 Court

Of Honour and Luso.

Padd Eddery, Olivier Peslier,

Frankie Dettori, Michael Roberts, Jason Weaver and Yutaka Take have been invited to take part in a world jockeys' championship against six Australian riders. They will compete in eight races staged at Melbourne and Sydney between January 16 and 26 next year.

Ladbrokes bets: 16-1 Saamy,

20-1 Nohin Leica Dane, 20-1

Dorlemus, 33-1 Crying Game,

Viali, Celier, Double Eclipse,

Vintage Crop, 40-1 Court

Of Honour and Luso.

The Vodac Stewards' Cup, one of the season's major

betting races, has bookmakers at odds with each other at the moment with running plans for several leading contenders uncertain. As a result, there are some good value prices on offer about several of the leading

Lady Carla has York target

LADY CARLA, only fourth to Dance Design in the Kildangan Stud Irish Oaks as a 2-1 on favourite, has the Aston Upthorpe Yorkshire Oaks at York on August 21 as her next objective, provided she is given the all-clear after her run on Sunday.

Captain Tim Bulwer-Long, owner Wafic Said's racing manager, was yesterday at a loss to explain Lady Carla's failure at the Corrigan. 'All the reports from Ireland before she left were that she is fine,' he said. 'We don't know

why she ran disappointingly, but it could have been the ground. This was her third race on fast ground. She was never an intended runner in the King George at Ascot. Her next objective, and this remains the same, is the Yorkshire Oaks.'

Lady Carla had been a general 5-1 chance in bookmakers' ante-post lists for the George VI & Queen Elizabeth Diamond Stakes at Ascot on July 27, but has been removed from the betting on the race.

Diary, page 16

BROOKLYN STAKES (3-Y-O: 12.5f) (7 runners)

SUGAR RUSH (3-Y-O: 12.5f) (7 runners)

SWEET DREAMS (3-Y-O: 12.5f) (7 runners)

SWEET SIGHT (3-Y-O: 12.5f) (7 runners)

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# Bowls considers putting old surfaces out to grass



High costs are a threat to the future of grass greens

A grassroots revolution is taking place in bowls. Britain's flat-green bowlers believe that the grass on the other side of the millennium may not only be greener — but synthetic to boot. The situation is so grave that, after the revolution, there may be no grass roots at all.

Financial considerations have convinced many bowls administrators that artificial surfaces should replace Cumberland turf, while the poor state of so many greens has persuaded some leading players to vote for a synthetic solution.

One county association, Suffolk, opted to play their home Middleton Cup ties this summer on a synthetic green — a first in the 85-year history of the county competition. They are not alone in their concern. When, last month, Cumbria, the county champions, were beaten at home on a surface pitted by fusarium, most of their players would have wished that they had been playing elsewhere.

Now, the World Bowls Board (WBB) has approved the laying of artificial greens in Kuala Lumpur, where the 1996 Commonwealth

Games bowls competition will probably be played on a synthetic surface for the first time.

David Johnson, the WBB secretary, said: "We have an open mind. If that is as good as grass, we have no objections and are working with manufacturers to ensure that standards are established and maintained."

Expertise seems to have been lost after greenkeepers stopped shaving the grass with a scythe. David Bryant, the most famous name in the sport, said: "In the old days, greenkeepers used to treat their greens as a labour of love, and greens were flat, smooth and perfectly true."

Tony Alcock, Bryant's successor as world outdoor champion, said: "It makes me sad, because I prefer playing on good, fast, true-running grass greens, but we have to admit

they just aren't around any more, and a good artificial green is much better than a poor grass one."

Alcock, who officially opened a new artificial green in Basildon, Essex, last month, said: "Whether we like it or not, it's the thing of the future. There were representatives from lots of clubs in Basildon, all hoping to follow suit."

"Bowls clubs just can't afford to pay skilled greenkeepers any more. Laying a grass green usually costs between £50,000 and £60,000, with maintenance costs running at between £7,000 and £15,000 a year; but a synthetic carpet costs between £70,000 and £80,000 to install, lasts around ten years and is very cheap to maintain."

Gary Smith, the bowling partner of Andy Thomson at the Cyphers club, in Kent, supports the novel idea of a compromise between organic and artificial, called Nelon Ad-

vanced Turf. At around £72,000, a Nelon green costs a little more than grass, but the manufacturers claim that clubs will save on maintenance.

Why do bowlers want a true, fast surface? Bowls are biased, and the game is based on the ability to take a circuitous route to the jack. On a fast, swinging green, it takes judgment and natural ability to dispatch the bowl on the right line and at the right speed.

If the grass is long, and the green heavy, the effort to send a bowl the full distance (up to 38 metres), means that the bowl sets off at top speed and slows down so quickly that the bias does not have time to take effect.

The response is simple. Woods have to be hurled, rather than delivered, more or less towards the jack.

The argument used to justify inferior greens is always the same: "You have to adjust to the conditions

— it's the same for both sides". Of course, it is not. When bowls is reduced to hurling woods in a straight line, the skills of talented exponents count for little. It becomes a test of strength and luck.

One of the most damaging innovations in recent years has been the automatic watering system. When clubs invest in one, they need to justify the expense by using it, but, in reality, bowling greens seldom need watering. Green grass looks good, but bowlers will tell you that the best greens are brown and dry.

Perhaps the answer lies in having fewer clubs. In Australia, where bowls is a serious business, clubs typically have four or five greens. That means lots of members and subscriptions pay for an expert staff and equipment to keep the greens in tip-top condition.

The solution is surely for clubs to expand — while some close — and create bigger, more viable bowls centres. The same number of people playing the game could perhaps be served by, say, 25 per cent of the present number of clubs.

## CRICKET

# England's resolve preserves long unbeaten record

By SIMON WILDE

GUILDFORD (final day of four) England drew with New Zealand

ENGLAND'S women fought a remarkable rearguard action yesterday to escape with a draw in the third and final Test match and share the series 0-0 with New Zealand. The result maintained their unbeaten Test record against these opponents, which dates back to 1934 and spans 22 matches.

At more than one stage during the day, England looked a beaten side, but their final saviours were the ninth-wicket pair of Suzanne Redfern and Clare Taylor, who batted with remarkably few difficulties through the last 27 overs, despite often having seven or eight fielders breathing down their necks.

Having seen the slow bowling of Fryer and Campbell bring rewards, New Zealand may regret the decision to take the new ball four overs after Redfern and Taylor came together. Although the pitch was not offering pronounced turn, spin remained their likely route to success and the new ball only disrupted the process.

It was an absorbing day's play, even though England made no attempt to score the 331 runs that had been left to win by New Zealand's second declaration the previous evening. It was a reasonable target, but, after losing three wickets in the first hour — including those of Britton and Daniels, their main strokemakers, to Withers — England concentrated on survival.

Metcalfe, who batted nearly four hours for 63, was the central figure in their resistance. Smith stayed with her for 20 overs and Smit for 27, but, after they had gone, her team's survival seemed to depend on her own. In fact,

her dismissal — to a ball from Campbell that did turn — proved to be the last of the match.

By playing out time so competently, Redfern and Taylor showed just how little the pitch had worn over the four days. Taylor, who has also represented her country at football, finished unbeaten on 38, Redfern on 26. Although she took more wickets, Campbell put them under less pressure than Fryer, the left-arm spinner.

Despite the outcome, New Zealand were undoubtedly the stronger and more adventurous side. They made a clean sweep of the three one-day internationals and their positive approach was testimony to the way that the game is blossoming in their country.

In England, the progress made since the World Cup was won in 1993 — ironically with a victory over New Zealand in the final — has been stalled.

There are good reasons for this. In New Zealand, the women's and men's cricket associations amalgamated four years ago and the women's game has felt the benefits. Financial support has been extensive, with all the expenses for this tour covered and players compensated for loss of earnings.

There is true equality between the sexes — Emily Drumm was named New Zealand cricketer of the year for 1993 — and full co-operation as well, with Martin Crowe, for example, helping in the extensive preparations made by this party.

Needless to say, things are very different in England, not only because the equal opportunities legislation is not as strong. The Women's Cricket Association (WCA) sees the development of a national plan under the proposed English Cricket Board (ECB) as an opportunity for progress, but is aware that amalgamations in other sports — such as squash — have not always worked to the advantage of women.

"We have a lot to gain from a new structure, but only if it is handled carefully," Sharon Bayton, the WCA's chairman, said yesterday. "New Zealand is a younger country with a refreshing approach to women's sport in general. Here, there is a lot of history to overcome and it will not be easy. The first draft constitution of the ECB made no mention of women's cricket whatsoever; now, at least, it recognises its existence. We are asking for a seat on the ECB board, but I am not confident of success."

The Test and County Cricket Board gave the WCA £50,000 to fund the matches against New Zealand and without it they could not have been staged. However, if the women's game is to flourish, that sum needs to be a minimum annual commitment. The players showed the necessary character yesterday; they deserve future support.

There was a proprietary stamp about the Gloucester-

## SCOREBOARD

NEW ZEALAND: First innings 362 for 5 dec (K Flavell 97, S Frain 80, D Hockley 68, E Drumm 52 and 218 for 4 dec (Drumm 112 not out).

ENGLAND: First innings 271 (J Smith 57, J Fryer 41, C Taylor 37).

Second Innings

T 1 Britton c Williams b Withers ... 3

C Edwards c Williams b Withers ... 31

E Daniels c Campbell b Withers ... 4

S Daniels c Campbell b Withers ... 18

J Smith c Campbell b Withers ... 27

K Lang c b Fryer ... 10

D Stock c Campbell ... 1

T Taylor not out ... 28

Extras (b 1, lb 6, w 1) ... 3

Total (5 wickets) ... 228

FALL OF WICKETS: 1-18, 2-32, 3-38, 4-68, 5-129, 6-140, 7-157, 8-160.

BOWLING: Withers 16-4-1-2; Campbell 32-7-93, Brown 6-3-1; Hems 13-6-24-1; Fryer 27-12-41-1; Drumm 12-4-21. Umpires: V Williams and K Taylor.

## SCOREBOARD

GLOUCESTERSHIRE: Gloucestershire won toss; Gloucestershire beat Yorkshire by 89 runs

EACH year, after the Benson and Hedges Cup final, a small window in the complex county fixture list opens. Into it pops the Costcutter Cup, a 55-over, three-day festival at Harrogate. It was formerly known as the Tlcom Trophy, but, ever since the change of name, in 1994, Gloucestershire have lifted the cup and the prize-money. Their performance against Yorkshire yesterday kept their ambitions of a hat-trick not only alive but also also glowing bright.

There was a proprietary stamp about the Gloucester-

shire batting as they rattled up 297 for six. They combined this with a purposeful air in the field as Yorkshire's attempts to overtake them were snuffed out with the minimum of fuss.

## SCOREBOARD FROM HARROGATE

GLOUCESTERSHIRE: Gloucestershire 297 for 6, Gloucestershire 297 for 6.

YORKSHIRE: Yorkshire 214 for 8, Gloucestershire 214 for 8.

FALL OF WICKETS: 1-21, 2-40, 3-45, 4-142, 5-147, 6-174, 7-182, 8-190, 9-198, 10-206.

BOWLING: Gough 10-1-36-2; Silverwood 8-3-40-1; White 7-0-42-0; Hersey 8-1-82-0, Stump 11-1-45-2; Bevan 10-1-51-0.

Man of the match: J Lewis

Umpires: D Bond and A Clarkson

shire's large total, although the firm foundation laid by Wright and Windows, and some typically free strokes from Symonds underlined the mastery of bat over ball.

Darren Gough, with two for 36, escaped the general censure accorded around the ground to Yorkshire's bowlers. He also opened the innings, but a bright start was not sustained. Only Bevan and McGrath mastered an attack well led by Jon Lewis, whose opening burst of three for 18 from eight overs set Gloucestershire on the way.

All Yorkshire's wickets fell to catches, some of the highest order. Whoever emerges from the semi-final between Leicestershire and Durham today will have formidable all-round skills to overcome.

# Scotland lose as Robinson shines

By DAVID TOWNSEND

SCOTLAND were defeated by the English National Cricket Association (NCA) for the second time in a fortnight yesterday, on the opening day of the inaugural European cricket championship in Denmark.

Jon Robinson, the former Surrey batsman, who now captains Esher, hammered three sixes in a top score of 73 off 70 balls to help the NCA to 260 for eight from their 50 overs.

Malcolm Roberts, his captain, had kick-started the innings with a typically confident 66, including seven boundaries, and looked set for a century when he was superbly caught by George Salmon, the Scotland captain, diving at extra cover.

John Philip and Bruce Patterson, the openers, went cheaply for Scotland, but George Reifer and Mike Smith had 88 on the board after 15 overs and seemed to be experiencing little difficulty on the alien coconut matting surface.

Smith had smashed 41 from 36 balls when he failed to clear Robinson at mid-on and, with Reifer following soon after for 59, Scotland were to miss the composure of Salmon, who had left the field injured soon after catching Roberts; he did not bat until number eight.

Stewart Laudat, of Oxfordshire, was the best of the NCA bowlers, taking two for 30 from his ten overs as Scotland were dismissed for 214 in the 46th over and beaten by 46 runs.

Ireland, who recently lost to Scotland but beat the NCA to win the triple crown in Wales, began their bid for a double with a convincing 169-run win over Italy at the Copenhagen Ball Club. Ireland will face a tougher test today when they tackle Denmark, who beat Gibraltar by 288 runs.

**SCORES:** BRONDBY, ENGLAND: NCA 260-8; U. Robinson 73, M Roberts 68, J. Blam 4-34, S. Laudat 21-3; (G Reifer 59) England won by 45 runs. DENMARK: D. Salmon 73, J. Jorgenson 57, S. Hansen 52, D. Søndergaard 4-85; Gloucester 71-5; S. Sørensen 5-18, Denmark 169. Copenhagen Ball Club: Ireland 255-6; Italy 88. Ireland won by 169 runs.

## TENNIS

# Wimbledon clear for Egypt tie

CHRIS GORRINGE, the chief executive of Wimbledon, said yesterday that he had not ruled out the possibility of Great Britain playing their Davis Cup tie against Egypt on the No 1 Court at Wimbledon in September.

Britain must beat Egypt in their group two tie of the Euro-Africa zone, to be held from September 20 to 22, to gain promotion to group one. David Lloyd, the team captain, and Tim Henman, the No 1 player, who has climbed one place in the world rankings to 38 — his highest position, are keen to hold the match at the All England Club.

The No 1 Court, which has 6,500 seats, is soon to be demolished to make way for a new players' and media centre, but Gorringe said that, if necessary, the bulldozers could wait.

"It is not out of the question for the tie to be held on the No 1 Court," he said, "but we would have to consider it carefully and we would need a formal request from the Lawn Tennis Association."

## SCHOOLS SPORT: GIFTED QUARTET DETERMINED TO TURN MATCH DAYS INTO A FAMILY AFFAIR

# Cricketing twins double up for assault on record books

BY GRAEME HOLLINSHED

WHEN Cleveland schools under-13 cricket squad gets together for nets, Gordon Lake, the manager, can be excused a double-take — or two. He has two sets of twins from the same family vying for places in the county team — something never before recorded in the annals of the English Schools Cricket Association.

The schoolboy cricketers who are rarely short of a brother to practice with are Alex Roberts, 13, an all-rounder, and his twin, Lee, both year eight pupils at King's Manor School, Middlesbrough, and year seven pupils, Brett and Jay, 14 months their junior.

Lee played last year and was the team's top scorer with 256 runs at an average of 32. He is on course to repeat that feat this year, opening with six against The Wirral but then recording his maiden half-century in the one-wicket defeat against Durham. He followed that with 53 against Yorkshire and hit his first century, scoring 112 in a four-

wicket defeat against Lancashire.

Alex is a true all-rounder and he is our leading wicket-taker as well as run-maker," Lake, the retired Cleveland teacher, said. "He is physically stronger than his twin and the other brothers, who are of course a year younger."

Lee, a leg and off spin bowler, and Brett, who bowls medium pace, have also made it into the county side, but Jay has only recently resumed playing after a lengthy illness.

"Lee and Brett have not had any real success as yet although Lee has bowled well on two or three occasions without luck. The younger lad needs to become a bit stronger to bowl quick at this level," Lake said.

According to Len Almond, director of the Exercise and Health Research Group at Loughborough University, greater athletic potential among twins is often shown by the first-born, or heavier child at birth.

The boys' father, Tony Roberts, who coaches all four



Talented twins: the Roberts brothers (bottom row), Lee, left, and Alex, 13, and (top) Jay, left, and Brett, 12

## SQUASH

# Russell cuts a dash to upset big-hitter

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GOLF: BRITON RIDES LUCK TO QUALIFY FOR OPEN CHAMPIONSHIP AS PEDIGREE PROVES NO GUARANTEE OF SUCCESS

# Eales takes chance to challenge on home territory

By MEL WEBB

ON THE first day of the last Open Championship to be held at Royal Lytham and St Annes, Paul Eales was beavering away in the professional's shop, selling furiously and manning the cash register. On Thursday, his role will be less marginalised: this year, he will be a player, not a shop assistant. What a difference in one man's life — and all in less than a decade.

In 1988, Eales was an assistant under Eddie Birch, enough, the head professional at Lytham, a future on the PGA European Tour an ambition that was romantic and yet rooted in the realms of the improbable. Today, the dream has been distilled into a reality.

Eales, 32, played yesterday at the tough and unforgiving Fairhaven course and a 69 gave him a total of 140, eight under par, which was enough to make him joint-seventh qualifier on the course.

He was given the honour of a local man's gallery, but said that he was embarrassed not to have played better for them. "I was playing so badly out there," he said bluntly.

One of the acknowledged secrets of playing successful golf hinges upon the ability to score well when performing badly. On the evidence of this round, Eales seemed to have that little trick cracked, with drums beating and flags flying.

By its very nature, low scoring on links layouts also sometimes needs a modicum of luck, but although Eales was the beneficiary of one stroke of outrageous good fortune, it had less to do with seaside golf and more with the uncanny ability to pick a target entirely by accident and hit it.



Eales: late developer

enough to put him into his first Lytham Open.

It was not ever thus. Eales's last trip to Fairhaven was in 1988 and he failed to set foot on his home course in anger. He did manage to do so in peace, however, because he was asked on the Friday night of the Championship to play as a marker at the tail of the field with Gary Burton, a club pro.

"I was doing pretty well actually," he said. "I was level par for 16 holes when play was

called off for the day because of rain and, when the tournament resumed on the Sunday, the players were sent out in three-balls, so that was my chance gone."

Eales has been one of the most refreshing additions to the ranks of PGA European Tour professionals in recent years. A former Lancashire county player at boys' and senior level, he toiled for several years in the Eighties. He attended the tour qualifying school, that shudder of hopes and destroyer of morale, four times without success and ultimately got his place on the full tour by finishing third in the Challenge Tour order of merit in 1992.

He is a thoughtful student: the impression — with which one is left by him is that he does little without careful consideration. Slim, neat and ordered, he has opinions and expresses them fluently.

The winner of the Extreme-dura Open in 1994, he is happy to admit that he was a late developer. "There was a time when I thought I was never going to make it, but the support of Eddie and everybody at Royal Lytham convinced me to keep on trying," he said. "Without their encouragement, I don't think I would have made it to the European Tour."

That victory on the border country between Spain and Portugal two years ago remains the highlight of his career. One of his frequently-stated career aims is to win the Open Championship on his own course. Now, for the first time in his life, he has the chance to do it.

□ Bernhard Langer arrived for the Open Championship yesterday — but his clubs were still in Germany. "They didn't put them on the plane at Munich. It's a shame. It's a nice day to play," the 38-year-old German said. He added that he expected the clubs to arrive last night.

The double Masters champion, who spent last week at his home in Anhausen, has never won the Open, but was second or third four times from 1981 to 1986 and third again in 1993, when Greg Norman played his great final round of 64 to win at Royal St George's.

The world No 11 said the fact he could not play today would not seriously upset his preparation. "It's a bit annoying, but there are still two days to practise," he said. "If that's the worst hiccup this week, it won't be too bad."

By PATRICIA DAVIES

PETER BAKER, the former Ryder Cup player, had a word

for it — a four-letter word —

after a final qualifying round

of 74, two over par, at St Annes.

Old Links threw him out of the

Open Championship yesterday.

So much for the optimism

engendered by an opening of

Gary Nicklaus.

Gary Nicklaus, the son of Jack

Hughes (Ryder Cup 1985, 1988)

and 1990), had a 68, 69, 70, 71,

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## SPORT

TUESDAY JULY 16 1996

Popular American forced out of this year's Open Championship

## Watson's run ended by injury

By JOHN HOPKINS  
GOLF CORRESPONDENT

THE 125th Open, which starts at Royal Lytham and St Annes on Thursday, was dealt a blow yesterday afternoon when Tom Watson withdrew from it because of an injured shoulder.

Watson, who has been playing social golf in Ireland and Scotland prior to the Open, as has been his wont for some years now, telephoned Michael Bonalack, the secretary of the Royal and Ancient Golf Club, with the news that he was unable to play and was flying home to the United States for immediate treatment. He then telephoned Bruce Edwards, his caddie, from somewhere in the Highlands, to tell him that his services would not be required.

Watson has been one of the greatest supporters of the Open, as well as one of its most successful competitors with five victories. He won the first he entered — at

Carnoustie in 1975 — and had not missed one since. The last major championship he did not compete in was the 1974 Open, a run of 87 consecutive major championships.

The injury occurred before Watson left the United States, but it did not stop him playing at Ballybunion, where he has done some alterations to several holes on the Old course, for two days last week. He and Stan Thirk, his coach, had landed at the Co Kerry airport in a private jet from the US. The plan was to go to Northern Ireland but upon being apprised of the political situation there, the pilot declined to fly north. "We can stay here for a week," Watson said, his face lighting up.

In Ireland, Watson was asked why no American professional had won at Lytham. "Just timing," he replied, holding up his hands. He said he fully expected one to win this year, saying there were 39 due to compete. He particularly singled out Mark Brooks and Mark O'Meara, both of whom



Els, left, and Norman are interested spectators as Daly, the Open champion, checks the condition of his driver during practice yesterday

were, coincidentally, at Ballybunion with him, and Steve Stricker, the promising 29-year-old who has won twice in six weeks on the US Tour this year. "When I look at Steve I see myself at that age," Watson said. "He is a rookie at the Open but he has what it takes."

The Watson party flew on to Scotland and played at Skibo Castle, where Greg Norman and Fred Couples were also staying, as well as Royal Aberdeen where Watson allegedly had a 69. "Tom must be

really hurting if he hasn't even made it here," Edwards said. "As well as he's been playing he would have had a great chance." Edwards will now caddie for Ian Baker-Finch, who has made money in only one of his past 41 tournaments. "Hopefully, together we can break that string," Edwards said. "If Finchy wasn't such a decent guy I wouldn't caddie for him."

The sun shone benevolently yesterday and only the gentlest of north-westerly winds was blowing, luring one player after another out on the links almost as soon as they arrived in this corner of Lancashire.

Greg Norman and John

Daly, the defending champion, played a match against Ernie Els and Michael Campbell the young pretenders from the southern hemisphere. Norman and Daly, though having to pay out \$200 on the front nine, won \$700 on the back nine to finish \$300 to the good. It was Norman's first visit to Lytham since 1979. He missed the 1988 event because he had injured a wrist in the US Open a month previously.

"I think this is a great driver's course," Norman,

who had flown in after a holiday in the south of France and playing a *Shell Wonderful World of Golf* match against Couples at Skibo Cas-

tle, said. "You've got to thread the eye of a needle here. There is a real premium in keeping it on the fairway. In that regard it's like Royal St George's."

Daly looked down the 18th fairway and remarked that it had more bunkers than he had ex-wives.

The by now traditional withdrawal of Scott Hoch took place right on schedule. The man who feels he was ambushed by aggressive British journalists and shabbily treated prior to the 1990 Open at St Andrews, won the Michelob championship in Virginia on Sunday night and then confirmed he was not intending to travel to Lytham.

"I realise it's a major — one

of the biggest if not the biggest," Hoch said. "But I checked with people whose opinions I value and they said I wouldn't like Lytham anyway."

Earlier he had said: "The main thing I dislike when you go from over here is that you go from nice weather conditions to cold, windy and rainy weather. I don't care for that."

His remarks would have

more validity if it were not for the fact that next week he is due to compete in the Dutch Open — no doubt for a hefty appearance fee.

Lorne Duncan, a caddie, would have liked Hoch to have competed because he might have been able to carry his bag. Duncan, an engaging Canadian, made a name for himself in a recent Open by carrying for Craig Stadler while wearing plus fours and a bow tie. He was loitering in the car park yesterday — roasting, in caddie's jargon — hoping to find a player in need of his services.

He saw Norman practising his putting, approached him and, tongue in cheek, asked if he needed a caddie. Norman laughed. "That's good," Duncan said. "At least I'm providing some entertainment."

Then Stadler drove into the car park, one of the last players to arrive. But he did not need a caddie either.

It will be odd to watch an Open without Watson because he has played such an important role in so many. Even lately, as his putting has declined and thus his chances of winning have lengthened, his popularity has increased, if anything. When Severiano Ballesteros heard the news, he caught the general mood.

"That's too bad," the man who won here in 1979 and 1988, said. "He is a nice man and it was good to see him win The Memorial recently."



Faldo studies video evidence after having his swing filmed by Leadbetter, his coach

## United to conclude Poborski deal

By DAVID MADDOCK

KAREL POBORSKI the Czech Republic midfield player who made such an impact during the European championship, should today become a Manchester United player, despite a reported resurgence of interest from Liverpool. The Slavia Prague player held talks with Maurice Watkins, United's legal director, over the weekend and agreed in principle to sign for the Premiership champions. The club's offer of £3.6 million was discussed yesterday by the Slavia board, and agreement is expected to be reached this morning.

Complications set in as the day unfolded, however, when reports from Prague suggested that Liverpool had emerged as late rivals for the signature of the player — dubbed the Express Train — who became one of the characters of Euro 96.

Ken Ramsden, the assistant secretary of Manchester United, denied any knowl-

edge of a bid from Liverpool. "We have had talks and are now simply waiting for an answer from Poborski's club," he said. "We expect that in the morning, and we are confident of completing the deal."

A statement from Liverpool late in the afternoon confirmed their interest in Poborski, but denied any attempt to outmanoeuvre United. "There is interest, but we have not travelled to the Czech Republic to speak to him, and we would only become involved if the deal with Manchester United fell through," Peter Robinson, the chief executive, said.

Liverpool are more interested in pursuing Poborski's international teammate, Patrick Berger, who is playing in Germany with Borussia Dortmund. The Anfield club has already had one offer of £2.5 million rejected, but their interest has intensified after an injury to Mark Kennedy, the left winger.

The two bodies are in dispute over the league's seasonal payment to the players' union. The union claims that it has an agreement whereby it should be paid ten per cent of television income. The League has refused to increase last season's payment of £560,000, despite the new £25 million deal struck with BSkyB, which is 40 per cent owned by News International, parent company of *The Times*. Taylor said that the League had failed to honour its 10 per cent agreement in recent years, and that action would be taken to recover the money.

Liverpool start on the left side with Rob Jones and Steve Harkiss both long-term casualties. An improved offer for Berger could follow later this week.

The dispute between the Football League and the Professional Footballers' Association (PFA) took another turn yesterday after Gordon Taylor, the PFA chief executive, warned of action to recover television money he claims is owed in back payments.

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## BOWLS 40

COUNTIES PREPARE  
TO PUT TURF  
OUT TO GRASS

English rugby  
seeks way in  
from the cold

By DAVID HANDS, RUGBY CORRESPONDENT

OFFICERS of the beleaguered Rugby Football Union and himself QC, said. "We have discussed the four nations' tournament with the BBC and they have given us assurances that they have no difficulty with it at all."

"The BBC bought a series of international matches, not a specific championship. They are happy and their conduct throughout all this has been entirely honourable."

In fact, though BBC executives were thin on the ground yesterday — waiting with some impatience for rugby union to sort itself out — it may suit them to hold their fire. The RFU has emphasised that it is all along (indeed, it is a fundamental plank in its argument) that it has allowed for a climbdown by a union which is now a house divided.

The RFU is in no position to

offer leadership to the game in England, never mind the wider boundaries of Europe and the northern hemisphere. To that extent the logic of John Burgess, the former RFU president who launched a bitter diatribe against the union's officials on Friday, cannot be faulted. What sort of a governing body is it that requires an independently-chaired panel to examine the breakdown in relationships between its own officers and staff?

Scotland, Wales and Ireland, for their part, are already preparing for the four nations' home-and-away tournament with which they will replace the existing five nations' championship in January should no way be found out of the present impasse. "If we are to re-schedule fixtures and accommodate them within our own domestic calendar, work must start now," Alan Hosie, Scotland's representative on the five nations' committee, said.

"International rugby can

continue without England and, until such time as the RFU is prepared to negotiate all matters relating to the five nations' championship through the five nations' committee, we must make our alternative plans accordingly." The other home unions have stressed that, if the RFU resorts to the small print in the existing BBC broadcasting contract, which does not end until next April, it will fail.

Carling entered the fray yesterday when he said: "I don't believe English rugby can survive without the five nations. Players will feel tremendous frustration ... if international rugby is taken away, or placed in doubt, you're going to get very unhappy players who I don't think will just sit and accept the situation."

Players whose national contracts, Carling might have

added, may all of a sudden be worth far less than might have been expected.

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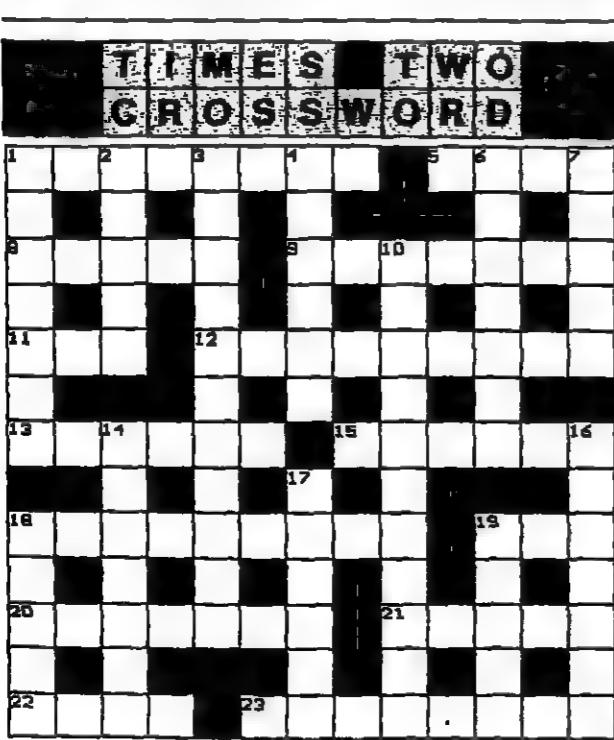
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No 835

**ACROSS**

- First-class, superb (3-5)
- Wife/sister of Osiris (4)
- Mishandle; cattails (5)
- Fresh (egg) (3-4)
- Charge for eg entrance (3)
- School lesson list (3)
- Sculptor; a knife, a chair (6)
- Tricked, duped (6)
- Clumsy, tactless (9)
- Our air force (1,1,1)
- Car frame (7)
- Bring into line (5)
- Defect (4)
- Anthony —, Bards author (5)

**DOWN**

- Moving vehicles trade (7)
- Straight-faced person (5)
- More than expected (charge) (4,3,4)
- Film theatre (6)
- Orator's portable platform (7)
- Move furiously (5)
- Unerringly (7,4)
- Dependent (7)
- Resistance to attack (7)
- Useful car (6)
- Bethlehem-as-birthplace prophet (5)
- Proverbially thick-skinned beast (5)

**SOLUTION TO NO 834**

**ACROSS:** 1 Caged, 4 Interim, 8 Peaceable, 9 Vim, 10 Tie, 11 Imbalance, 12 Cadet, 13 Charly, 16 Scarecrow, 18 Mug, 20 Oar, 21 Overthrow, 22 Starlet, 23 Hitter

**DOWN:** 1 Cop it, 2 Go-ahead, 3 Dyed-in-the-wool, 4 Imbibe, 5 The Black Watch, 6 River, 7 Mummary, 12 Customs, 14 Admirer, 15 Urgent, 17 Aurt, 19 Gower

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Al Gore after talks with Viktor Chernomyrdin, who stood in for the absent Boris Yeltsin in Moscow yesterday

## Yeltsin fails to meet Gore as health fears revive

FROM THOMAS DE WAAL IN MOSCOW

IN A BIZARRE lapse of protocol, Al Gore, the American Vice-President, arrived at the Kremlin yesterday for a meeting with President Yeltsin only to be told that he had gone on holiday.

Both sides tried rather lamely to brush off the embarrassing incident, which intensified fears about Mr Yeltsin's health and sent shivers through stock markets. Viktor Chernomyrdin, the Prime Minister, who held talks with Mr Gore instead, said that Mr Yeltsin was "resting".

A stony-faced Mr Gore, the first senior foreign guest in Moscow since Mr Yeltsin was re-elected for a new term, admitted that he had learnt the meeting had been cancelled only shortly before it was due to take place. He had only a few minutes' advantage over a large group of reporters, who had gathered to cover

the non-existent encounter. The Kremlin said the meeting with the President had been rescheduled to today and would be held in a sanatorium at Barvikha, outside Moscow.

At the same time Mr Yeltsin showed that he was politically vigorous, if not in the best of health, with a decree that gave a new liberal look to the Kremlin. He sacked the hardliner Nikolai Yegorov as his chief of staff and replaced him with Anatoli Chubais.

Kremlin aides were quick to say that Mr Yeltsin was not ill.

"The President is tired," said Sergei Medvedev, the presidential spokesman. "He is really tired. He needs good and complete rest."

Mr Medvedev said Mr Yeltsin would be resting for two weeks at Barvikha, but was not in need of medical treatment. The President recuperated at Barvikha, a tradition

Poliburo rest home, after suffering a mild heart attack last October.

After adopting a very high profile during the election campaign, Mr Yeltsin virtually dropped out of public view after the first round of voting on June 16. He voted at Barvikha in the second round on July 3 and has been seen only in carefully controlled settings since then. In his last television appearance last Friday when he spoke at a meeting of the FSB, successor to the KGB, he looked stiff and tired but not noticeably ill.

Mr Yeltsin has run up a long list of mysterious episodes and cancelled appearances over the past four years. His staff routinely say that there is nothing wrong with his health besides a little heart trouble. But he is assumed to have a drinking problem and also said to have problems with his liver and kidneys. Mr Medvedev said Mr Yeltsin had chosen to rest at Barvikha, instead of the Black Sea resort of Sochi, so as to be able to work on reshuffling the Government and the Kremlin apparatus.

Mr Yeltsin's first key appointment since the election will gladden the West and the Russian "democrats". He rewarded the reformist team who formed the nucleus of his re-election campaign by making Mr Chubais, a staunch liberal, the head of his administration.

Mr Chubais, who was sacked from the Government last January, has been given ten days to put forward plans for overhauling the Kremlin apparatus and has every opportunity to shape it in his own image.

The appointment is another heavy blow for the Kremlin hardliners, whose stock has plummeted since the election. Nikolai Yegorov, the outgoing chief of staff, was one of the men held most responsible for launching the war in Chechnya and a close ally of Aleksandr Korzhalov, Mr Yeltsin's security chief until he was dismissed.

A former collective farm boss, Mr Yegorov's authoritarian style went down very badly in the Kremlin. Last week a member of the administration said privately that, if Mr Yegorov stayed, all the best professionals and analysts in the administration would leave.

Mr Yeltsin is a master of the divide-and-rule school of politics and Mr Chubais will be a strong counterweight to Aleksandr Lebed, the new powerful Secretary of the Security Council.

□ Riga Andris Shkele, the Latvian Prime Minister, said yesterday that he was reshuffling his Cabinet to streamline government, cut spending and increase efficiency. His aides insisted the changes would not destabilise the Baltic state's six-party Government of unlikely partners, who include right-wing nationalists and former Communists. (Reuters)

## Great survivor takes control of the Kremlin machinery

BY THOMAS DE WAAL

ONLY six months ago, when Anatoli Chubais was cast out of government, it seemed the economic reformer was heading for a future in the burgeoning Russian private sector that would keep him from high office for years.

His return at the age of 41 to one of the half-dozen most powerful jobs in Moscow is a dramatic comeback and must now make him a leading contender to get the job of Prime Minister before President Yeltsin's new four-year term expires. The job of running the Kremlin apparatus is a new departure for a career economist, given him day-to-day control of the whole mini-government that is the presidential administration.

Mr Chubais earned this sudden rehabilitation by being one of the main strategists of Mr Yeltsin's election victory. He gathered a team of professionals who lifted the

giant conviction in himself and a fighting streak.

Tall, red-headed and fluent in English, Mr Chubais comes from a group of free-thinking Leningrad economists who met informally in the Soviet era. In late 1991, he was one of a group called by the new acting Prime Minister, Yegor Gaidar, to form a new government. Mr Chubais oversaw what was probably the most ambitious privatisation project in history.

In December 1994, he was made First Deputy Prime Minister in charge of the economy and his efforts at achieving macroeconomic stabilisation won him applause. When he took the job, inflation was at 16 per cent a month. Eight months later it had dropped to 5 per cent.

By managing to remain in his job until January 1996, Mr Chubais proved himself to be the most tenacious of the 1992 class of reformers and the most politically astute.



Chubais: back in power

President from single-figure poll ratings in February to a comfortable victory in July.

In performing that feat, Mr Chubais displayed all the characteristics which have made him the bugbear of the Communist-nationalist opposition for the past four years: a sharp intelligence, an arro-

gant conviction in himself and a fighting streak.

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## Pay claim makes enemies at Friends

FROM QUENTIN LETTS  
IN DENVER

CAST members of *Friends*, the American television sitcom, have threatened to go on strike.

In an unusual bout of militancy, the show's glamorous stars, all of them highly bankable, are behaving in anything but an amicable manner towards their production bosses. They have allegedly refused to report for work at Warner Bros Television unless their basic pay is increased to a tidy \$100,000 (£64,000) each per episode of the top-rated show. Some 20 episodes are made a year.

The sitcom has been a great success since it opened two years ago and the previously unknown stars have become celebrities, both at home and in the many foreign countries where *Friends* amuses audiences with its mildly ironic take on six urbane twenty-somethings.

Courtney Cox, Jennifer Aniston, Matthew Perry, David Schwimmer, Lisa Kudrow and Matt LeBlanc are this year's musketeers of show-business. Their love lives are chronicled in the tabloid press. Miss Aniston's haircut has set a trend (she also posed naked with a snake for

A scene from an episode of *Friends*: the smiles belie the enmity between the cast and the producers

a magazine cover), and the sextet have bagged advertising deals and endorsements.

Now they want more. At the start of the series, the actors were paid \$25,000 each per episode. But they are not satisfied. They are said to be demanding a share of the \$4 million profit that Warner and the show's distributor, NBC, makes on each show. That profit will probably increase with time.

In line with their screen characters, the *Friends* cast is understood to be following the first rule of effective industrial action: comradeship. Film producers can normally count on the natural

insecurity of actors to lead to on-set rivalries which can then be capitalised on to weaken casts' negotiating positions. But the *Friends* crowd are currently inseparable.

Warner may be reflecting that, in creating the success of *Friends*, it has created a monster. Such opinions were being voiced earlier this year when publicity for the show got out of hand. Every magazine, newspaper and television chat show, it seemed, featured an interview with a self-satisfied *Friends* star. Producers worried that the show would suffer from overkill.

Apparently formulaic, the sitcom's fine ensemble acting

and sharp script have attracted a sizeable British audience. More than four million British viewers currently tune into the new series on Channel 4, a remarkable figure for a cult comedy and twice the ratings for the first series.

The show's success has also attracted big-name guest stars, including British singer Chrissie Hynde, Tom Selleck, Julia Roberts and Jean Claude Van Damme.

Actors George Clooney and Noah Wyle, heart-throbs from the equally successful American series *ER*, appeared in one episode as doctors.

The cast of *Friends* will know that the longer they refuse to work, the greater the pressure on the producers, who must deliver shows in time for network slots and syndication demands. Legally, the players may be in a weak position.

It is normal for television series to ask stars to sign a standard five-year deal which restricts the freedom of actors to work elsewhere and limits the amount of power to negotiate pay rises. If the *Friends* cast are on such a contract, they may be bound in until 1999, and by that time the show may have lost its freshness.

JULY 16 1996

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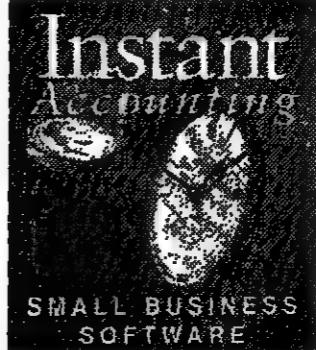
days, I can **see the opportunity** coming,

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# The final part of a series: the stressful life of the MP tipped to be Labour's Minister for Women

## I feel like a voyeur — I watch people with a way of life I can never share



### THE WOMAN MP

I work 18 hours a day, seven days a week, so I need enormous stamina and tremendous organisation if I am to spend any time with my two children, Jessie, 15, and Matthew, 12. In order to carve out some free time, I may work through the night a couple of times a week. I used to do that a lot before I entered Parliament, working from 10pm to 4am every Tuesday and Thursday. Your body soon adapts to the lack of sleep. If this makes me sound like a bionic woman, that's regrettable: many women who are not MPs do the same. Sometimes it's the only way you can combine a demanding career with a fulfilled family life. As it is, I find it increasingly difficult to have any spare time at all. Hobbies are out of the question.

I am helped enormously by my husband David, who, when I'm at the House in the evening, does the cooking, helps with the homework and generally looks after the children. Most nights I get back

from the House at about 11pm or later, when the children have gone to bed. As a result, the mornings are very precious to me. It's a time when I can be with the children. David and I do spend time together, but not as much as we would like. Although we have lunch together on Saturday, he is used to going out on his own or with friends. He works as a solicitor and is not really a political animal. He has so many other interests. He reads, he goes to concerts, he spends time with my best friend.

People say you need to spend less time with your children as they get older. I think that's ridiculous. If anything, you need to spend more time with them as they enter their teens. You have to strive to keep the structure of family life together, to keep in touch with their lives, find out what they're doing, who their friends are.

When your children are talking to you the temptation is to say: "Look darling, I have two speeches to write." But



Putting on a brave face: Tessa Jowell combines family life with an exhausting working day

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## I can't make plans

I THINK those constituency wives who live outside London must feel as if they are part of single-parent families. Even if you live in London you will be lucky to see your husband before 11pm. This creates its own stresses and strains. If the husband has a constituency that is a long way from the family home, it is unlikely that he will even see his family at weekends. In such circumstances, the wife really has to make a life on her own, even though she may be working very hard in the constituency on behalf of her husband. It's not hard to see why a lot of politicians' marriages break down.

As a family we were lucky: we lived in London and, although Giles has a northern constituency and spent a lot of weekends in Durham, we were able to see each other during the week. He was always there for the children

### THE MP's WIFE

when they were growing up. I don't think conditions in the House are getting worse, if anything, they are improving. The last vote on Thursday night is usually at 7pm, not at 10pm as was once the case. This means that most MPs can arrive back at their constituencies at a decent time before surgery on Friday.

One of the main irritations is that you can never plan ahead. You may, for instance, agree to speak at an event in Devon only to receive a three-line whip on the day you are expected to deliver your speech. As a result, you have to cancel at short notice, letting down a lot of people. That can be hard.

LISANNE RADICE

The author is the wife of Giles Radice, Labour MP for Durham North.



Edward Leigh with three of his five children, (from left) Tamara, Marina and Natalia

## Why we live on the Al

When the call came inviting me to write an article on how MPs cope with their families, one of my five children was screaming: "I'm bored, bored, Daddy!" It was midweek. I was at home at 11am, babysitting. I took her swimming.

Am I a part-time drone MP, totally undeserving of our pay rise? True, I was swimming at midday, but I was voting at midnight after attending a debate in the House and speaking coincidentally on family-friendly employment. It was the third vote of the day, the second debate and, for me, two committee meetings on from the swim.

So the truth is that MPs do work fulltime hours, but at very odd hours indeed. Do we succeed in juggling this extraordinary job with family life? Well, there are two great divides: one is between back-benchers and ministers, the other between those who leave their families in the constituency and those who lug them back and forth to London. I do the latter in a second-hand Toyota Previa in which our children can wrestle all the way to Lincolnshire.

My wife and I decided when we started 12 years

### FAMILY AFFAIR

ago that I wouldn't leave her behind on Monday morning, spend the week in London in a bedsit with Labour's smelly socks brigade, and slog back at 1am on Friday. So every Sunday evening when the nation is tucking up cosily to Songs of Praise, the Leigh family is picking up the detritus of the weekend in a Lincolnshire cottage and heading back to Westminster. Frankly it's hard pounding, but at least we're in it together.

But all this costs. You can't afford a family house in the constituency and in central London on £34,000 a year and a few allowances that barely pay for the food and petrol.

If you're an MP and want to live all the time with your family you have to take jobs outside. But most MPs can't or won't do this, so on Monday morning it's goodby for them to the family. Apart from the obvious penalty that they are denied a proper home for much of the week, there are other drawbacks.

One MP who has done a modest little chicken side-step to avoid fighting a

marginal seat told me he just could not afford to lose. His children were at school around the constituency, his wife's friends were there. His only home was there, and above all his only job was there.

There is a real danger that we are creating a fulltime political cadre of MPs who are moderately paid, institutionalised, and cannot take risks with politics.

So unless you're fortunate enough to be an MP for the Cities of London and Westminster, your lot is either emotional destitution during the week or hefty disruption for your children.

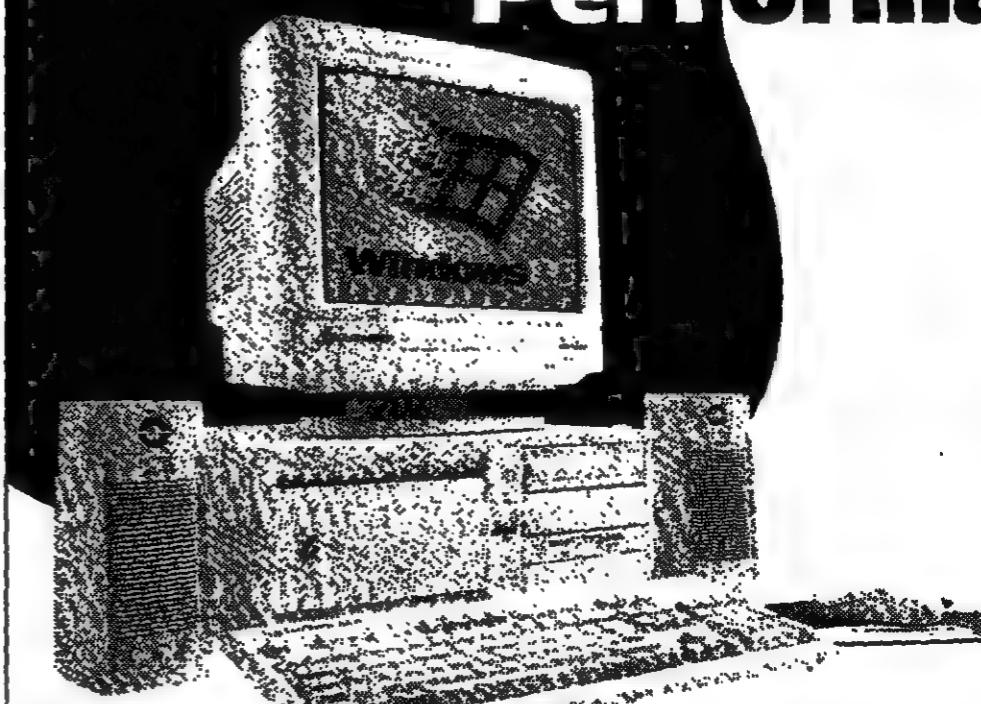
When the policeman came to my son's school and said: "Where do you live, sonny?", my son replied: "I live on the Al." I hope he forgives me when he grows up.

To me the greatest compliment that could be paid to any politician, and which a minister once paid to me, is that he puts his family first, his religion second, his political beliefs and country third, and his party a very distant fourth.

EDWARD LEIGH

The author is the Conservative MP for Gainsborough and Horncastle

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In R V Preddy (The Times July 11) leading counsel for Preddy was Mr Ivan Kruck.

# Goldsmith's Labour militants

Blair must not rule out EMU, writes Denis MacShane

The assumption that Sir James Goldsmith is the patron saint principally of the anti-European wing of the Conservative Party now needs revision. In the past few weeks, evidence has begun to surface of his infiltration into Labour thinking too. The left-wing weekly *Tribune* recently ran a glowing interview with the Mexican-based billionaire, in which he was allowed space to promote his view that global free trade is a disaster for the working class.

This was followed by the launch of a coordinated campaign to persuade Labour to oppose economic and monetary union. The anti-EMU Labour grouping includes long-standing opponents to British involvement in what Dennis Skinner always denounces as the "Common Market", as well as MPs such as Roger Berry and John Austin-Walker who consider themselves pro-European but are hostile to monetary union on the ground that it involves too strict a control of public spending.

Unison, the public-sector union and Labour's biggest affiliate, has also swung into the Goldsmith camp. Its activists are trying to convert latent hostility to a single currency into a formal policy communiqué from Labour.

The anti-Europeanism that Neil Kinnock and John Smith had apparently slain threatens to revive. Although Blair's speeches in Europe tend more

to advocate labour market flexibility than extra powers for Brussels, Labour is not divided over the issue of European membership. There are no anti-European politicians in Labour's ranks of the status of John Redwood, Michael Portillo or Norman Lamont. But Goldsmith's arguments about a monetary union touch a chord. In the back of some Labour minds is the hope that devaluation and massive government borrowing will perform a magic trick and allow a painless increase in exports, wages and public expenditure. Moreover, there is uncertainty about the public attitude to the single currency, the European central bank, the euro and whatever else might flow from monetary union.

Politicians nervously wonder which way business will jump. So far, there has been silence from the CBI, the City and other big companies, even if they stand to lose from being left on the margins of a monetary union. The ideological Institute of Directors is hostile to monetary union. By contrast, John Monks, the innovative TUC boss, says that monetary union would be good for private-sector jobs and growth.

But for the most part, the arguments are more and more against British involvement. No top political or business leader looks willing to make the case for Britain's participation in the next wave of European construction and integration, other than on terms of "wait and see".

## Goldsmith's faction on the Left opposes free trade

The Goldsmith right-wingers are hostile to monetary union because they dislike the social element in the European social market economy, and rightly suspect that the European Union has a political programme, and is not just an alliance of free trading nations.

Between them, these opponents of monetary union are occupying more and more political space. Obviously, it can hardly be in the interests of either Mr Major or Mr Blair to declare now that Britain will definitely not enter monetary union, before the decision needs to be made, between 1998 and 2001.

Saying "never", even for the duration of a Parliament, is unwise politics. To say no now would rule British leaders of any influence in shaping the terms and conditions of the monetary union. Hopes that monetary union will not happen may be high in parts of SW1, but any reading of the press in Bonn, Paris and other European capitals makes clear that to count on its failing would be a mistake.

In Britain, the case for monetary union is largely being lost because those hostile to the European Union are advancing all the arguments and campaigning with a simple slogan of "No to monetary union". Is anyone willing to put the opposite case and, if so, will they please speak up before it is too late?

The author is Labour MP for Rotherham.

## Safari time

SOUTH AFRICA is rife with speculation about a possible visit by the Princess of Wales. The excitement follows reports in a South African newspaper that she has been invited to meet President Mandela after failing to see him on his recent visit to London.

Both the South African High Commission and the Princess' office say no visit is yet planned, but a press attaché at South Africa House added: "If she does visit South Africa, the President would consider a meeting with her."

Diana is said to have hoped for a private encounter with Mandela when he was here. His timetable was tight, however, and the imminent divorce announcement, as well as the question-mark over her future role, meant that Buckingham Palace couldn't countenance any such meeting.

South Africa House said yesterday that the Princess would very probably have received invitations to South Africa from charitable organisations in the country. She also has an open invitation from her brother, in Cape Town.

• *Curtain twitchers in Holland Park are blabbing about the latest visitors to Aubrey House, a mansion on the market in this select*

*London enclave for a mere £25 million. They claim that members of the Rausing clan, headed by Britain's richest man Hans Rausing (valuation: £3 billion), have been sniffing around.*

## Dress up

THE DUKE OF RICHMOND has been forced to take stern measures this summer to ensure standards are upheld at Glorious

Goodwood. After an embarrassing encounter last month at his course with a young lady wearing the skimpiest of briefs and a top which was barely noticeable, he has sent out an edict banning members of the Richmond enclosure from wearing "hot pants" or displaying "bared midriffs". Quite.

## Top brass

MICHAEL JACKSON's appearance with his band at the Sultan of Brunei's 50th birthday party — for a rumoured \$15-\$20 million — brings to mind the occasion when the bizarre-looking popstar bumped into my old chum Field Marshall Lord Bramall while both were staying at the Sultan's hotel, the Dorchester.

Brammers was decked out in full regalia, gleaming with gongs, when he found himself check-by-jowl with the panty singer in the

lift. "Oh my!" fluttered Jacko. "I just love your medals. I've a closet full just like them back home." "Goodness," was all that Brammers could muster in reply, before making an unprecedented retreat.

## Big band

LOYALIST marching bands wrought a clamorous revenge last week on Lady Hermon, wife of the former RUC chief constable Sir John Hermon. She was spotted by Orangemen removing some of the Union flags bedecking her street in Donaghadee in the run-up to the anniversary of the Battle of the Boyne. Her punishment for such tidy-mindedness was to have the pipes and drums of a local band play outside her front door for two hours. Only when Sir John appeared to apologise did the marchers move on.

## Off guard

BEAUTY rather than brains is the essence of Tara Palmer-Tomkinson, socialite, clothes-horse and sometime skiing companion of the Prince of Wales. Last week, however, her mental gearbox seemed to have become clogged by one too many goat's cheese tarts. At a party attended by soldiers, one hair-stickened swell cruised to her. She asked him what he did for a

living. "I'm a Life Guard," he purred. "Really?" said the girl of the year. "What beach?"

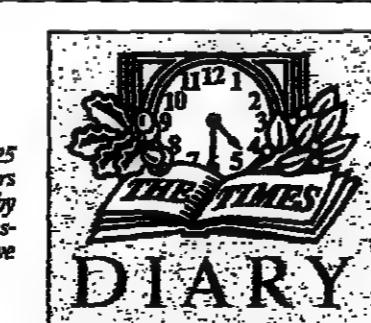
## Sincerely

NEWS to get a man's pulse racing: the comely actress Jennifer Ehle is unattached, and she's steering clear of thespians. After being twice bitten — first by Toby Stephens and then by Colin Firth — she is thrice shy. "It's so hard to have a relationship in this business. I don't want to do it again

unless it's unavoidable. It's just not worth it," she tells *Tatler*.

"Being on location and acting in a story opposite somebody is incredibly conducive to falling in love. If you took two people who work in a bank and who might possibly fancy each other if they thought about it, and you make them stand there saying 'I love you' every morning, really trying to mean it, eventually they might, you know, start to believe it."

P.H.S



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16 VII '96</p



## CONTINENTAL SHIFT

### Labour should rule out monetary union in the next Parliament

It is a tribute to the discipline that Tony Blair exercises over Labour that assessing its policy is so hard. Only rarely do battles of importance — such as that over the single currency — break the surface.

Mr Blair is now allegedly contemplating a statement that Labour would not enter the European monetary union (EMU) in the lifetime of the next Parliament. This is contested by those, such as Denis MacShane writing on the opposite page, who favour the new coinage and whose camp includes the influential firefighter Peter Mandelson.

It may be assumed that the fight is not finished. But there has certainly been a shift in Labour tone on the matter. Twelve months ago Mr Blair enthused about the whole project: today caution is the watchword. In Bonn recently Mr Blair used language that Chancellor Kohl would like: on the details of EMU the Labour leader stressed emphasis, expressing concern about the implications for jobs and saying that if it back-fired the public reaction would be severe and ugly. That line was echoed in *New Labour, new life for Britain*. This declared that any decision to enter should be made on "a hard-headed look at its economic practicalities", and then subject to a referendum or an election. So far, so ambiguous.

Labour is still in search of a card that would clearly trump John Major. But it must also look towards holding office. The party's central problem is that it is at least as split on EMU as the Government. In power such division would court disaster: all could unite, however, behind the argument that while there was no principled objection to future membership, Conservative mismanagement left the British economy unready to do so now. Another look could be promised in 2002.

Such a pledge makes practical sense for Labour. If Britain wanted to be one of the first set of nations to embrace the euro in 1999, detailed decision-making and enabling legislation would be needed from autumn 1997. The first two years of the Blair tenure would be swamped by the subjects of Scotland's status and the single currency. That could be the best possible recipe for another 18 years of Conservative rule.

Labour should have learned a lesson from the Prime Minister's misfortunes. It is better to have a policy, almost any policy, than a position based on procrastination that appeals to no one. Certainly trumps indecision. While many in the City might favour a British role at the outset, what they want to know above all else is what to plan for. A definite "not yet" for a Parliament is much better than the "probably not but please call back later" from Mr Major.

On the basis of Mr Major's record in office, and a belief that periodic alternation is healthy in a democracy, many may be inclined to give Mr Blair a chance in power.

The strongest argument against that has been the fear that a vote for Labour could lead to an irreversible decision to surrender economic and political sovereignty. If that charge could be parried, then the substantive division between the two parties on Europe would rest with the social chapter, an important measure but one where the Tory opt-out has already been eroded by decisions of the European Court of Justice.

A Labour Party that took the pledge on the euro would both be more likely to get elected and have more parliamentary time in office to pursue a Blair agenda at home. Meanwhile Mr Major would be outflanked. Held hostage by his Chancellor, he could not match the Blair promise not to attack him for a commitment most Conservatives wish their own party would make. The Tories were warned by many, including ourselves thirteen months ago, that if they did not rule out the euro for five years they would leave themselves exposed. To paraphrase the Prime Minister, the words "game, set, and match" would hang perilously in the air.

## PIGS AGAIN

### Cuban lessons for Clinton, Dole and Europeans too

Throughout Fidel Castro's 37-year dictatorship, Cuba has had a propensity to unsettle US presidential judgment. The Americans have been right about one big thing, that tyranny grown-old and poor is still tyranny and that all legal means to weaken it are justifiable. But Washington has not always calculated its policies wisely — Kennedy's embarrassment over the Bay of Pigs was followed by unfortunate revelations of CIA dirty tricks. President Castro has made use of America's most sustained policy, its unilateral trade embargo, to blame Uncle Sam for his own dire economic mismanagement.

The Cuban Liberty and Democracy Solidarity (Libertad) Act, sponsored by Senator Jesse Helms and Representative Dan Burton, is America's most ill-considered move yet. This legislation would expose foreign companies to American sanctions for trading with Cuba — including compensation claims in US courts against foreign enterprises alleged to be "trafficking" in Cuban property confiscated by the Castro regime from US citizens. This extraterritorial extension of US jurisdiction has no defence in international law. It recalls the Arab boycott of companies that traded with Israel, a boycott rightly denounced by America down the years. If enforced, it will undermine the multilateral trading rules on which the US depends as much as its allies. It will also harm the confidence of foreign investors and whip up a destructive storm over the Atlantic.

President Clinton, who opposed the Helms-Burton Bill on legal grounds and on the pragmatic test of harm to America's own business interests, was panicked into signing it last March in the aftermath of Cuba's outrageous shooting down of two US-registered aircraft. He was manoeuvred into this by Senator Dole, who saw the electoral advantage of challenging the President to compete for the Cuban-American vote.

Mr Clinton is now horribly trapped. He

has until tonight to sign a waiver that would limit the damage by postponing the clause permitting compensation suits. But he would have to certify that drawing the Act's teeth was not only in the US national interest, but would promote democracy in Cuba. If he signs the waiver, he risks losing votes and campaign contributions from Cuban-Americans; he could even lose Florida's 25 votes in the electoral college. If he does not, he faces the chaos and cost of up to 40,000 lawsuits in the US, damage to the confidence of foreign investors whose money supports over four million American jobs and certain trade retaliation.

The electoral arithmetic must tempt him to let Helms-Burton take its course. It would be an error with repercussions that, as more than 120 American and European business leaders have jointly advised him, would long outlast the election campaign. Among the measures envisaged by the European Union and Canada are visas and work permit restrictions on US businessmen, countering in their own courts against American companies and a legal challenge at the World Trade Organisation which the US stands to lose. As for President Castro, to be so quarrelled over by Western allies will give him his sweetest propaganda victory yet.

If Mr Clinton, against expectations, signs the waiver, Europeans must deal better with the anger that gave Helms-Burton its appeal. Their lack of support for American efforts to put pressure on the Castro regime has rankled for many years and led directly to the current transatlantic crisis. European "constructive engagement" with Cuba has failed to bring about the political pluralism it was supposed to achieve. America has no business attempting to control companies outside its jurisdiction. But Europeans, who say that their quarrel with America is over means rather than ends, would do well to re-examine their own policies towards Cuba.

## PROPORTION IN COURT

### This 1926 Act needs pruning with common sense

Every newspaper reporter who has ever sat in a court of law has, sooner or later, heard evidence that will not be transmitted verbatim to readers, viewers or listeners because such detail would be more revealing than revealing. These judgments are generally editorial judgments made by journalists. In the line of professional duty they have to balance the requirements of open justice against the need to avoid unnecessary offence. Although these judgments can and do generate argument, judges have rarely used their discretion to prevent the media striking its own balance.

Yesterday, presiding over the exotic and intricate case of the succession to the late Third Baron Moynihan, Sir Stephen Brown invoked the 1926 Judicial Proceedings Act and restricted the reporting of the case until he delivers his ruling at the end of the hearing in around two weeks' time.

The original purpose of the Act in question, framed in an era of quite different standards, was to prevent public outrage at the publication of indecent material. While failing to fully explain why the antique statute was being used, the judge did, however, acknowledge that the issue was not "a matter of salacious details."

Several laws regulate what can be

reported from courts and few of these limits are controversial: the Children and Young Persons Act restricts the identification of minors, individual anonymity is granted in rape cases and the Administration of Justice Act lays down further cautions. The Judicial Proceedings Act of 1926 has been heavily qualified and complicated by other legislation since it was first passed. The law on court reporting has become a tangled thicket and the 1926 Act seems, on yesterday's evidence, to need pruning with the blade of common sense.

The Moynihan case — concerning a louche, much-married lord who ran a string of brothels in the Philippines whence he had fled to avoid prosecution for fraud — has been extensively reported here and elsewhere. Anyone wishing to protect the five and seven-year-old Filipino boys who claim the Moynihan title should also note the facts already in the public domain — and exercise due proportion. The aim cannot be to protect public decency by the use of a 1926 statute after half a century of fluctuating public standards. There is a clear public interest in the right to sit in the House of Lords. It is curious — at best — that the Judicial Proceedings Act should be used to inhibit coverage of this case.

## Possible future steps in Ulster

From Mr R. Fell

Sir, Your leader, "A colder eye" (July 15), is both timely and to the point.

Anyone with a modicum of experience of Northern Ireland has always known that if the so-called peace process ended in an Ulster referendum being decisive, the result would be easily predictable. Under provocation, Mr Trimble pressed the fast-forward button and the "referendum" was held, rather messily, last week.

The result showed that the streets of Ulster are the streets of the United Kingdom and not under the control of a foreign power. Hence the discomfort of John Bruton, the Irish Prime Minister (report, July 13), and Cardinal Cahal Daly (report, July 12).

That is not to say that the peculiar problems of Northern Ireland do not need urgent attention. But, as your leader points out, these must be tackled in a United Kingdom context. The dangers of well-hoped or fears have been well illustrated.

An answer might be a proportionately-elected executive council above the layer of normal local authorities, and it would be this body that would continue the dialogue with Dublin on cross-border co-operation.

Yours faithfully,  
R. FELL,  
Kings Bay,  
60 The Drive, Craigwell,  
Bognor Regis, West Sussex.  
July 15.

From Mr David Howard

Sir, In the light of the Government's "U-turn" on the Orangemen's march, perhaps they should consider a similar U-turn with regard to Sinn Fein.

An invitation to Sinn Fein to attend the all-party talks without any preconditions on condemning violence and intimidation by any group might jolt the peace process back on track.

Yours sincerely,  
D. HOWARD,  
The Limes,  
18 St Andrews Road, Bedford.  
July 15.

From Mrs B. H. Goulding

Sir, Mr Peter Knight (letter, July 11; see also letters, July 13) feels that the "antics of the Orangemen in the last few days" are more alienating to the rest of the UK than the IRA killings of the last twenty years.

A perfect encapsulation of the futility nature of much comment on Northern Ireland.

Yours faithfully,  
HERMIONE GOULDING,  
36 Christchurch Road,  
Winchester, Hampshire.  
July 15.

## MPs' pay increase

From Professor Emeritus  
R. A. B. Leaper

Sir, Plans are now in hand to exact further personal charges to meet the cost of long-term care in old age and to extend personal contributions to pension funds as essential supplements to inadequate basic state pensions.

Local social services struggle with inadequate resources to establish priorities where funds cannot meet the needs assessed under "community care" provisions.

Overall, we are consistently urged to hold down all public expenditure strictly to the rate of inflation, including that of wages in the public sector.

That a majority of Members of Parliament should in these circumstances vote themselves an increase of 26 per cent (report, July 11, later editions; letters, July 10, 12) out of money paid for by citizens through taxes is not merely morally unjustifiable but politically crass.

The Prime Minister and the Leader of the Opposition were shrewd en-

ough to realise this, but a majority of MPs failed to subordinate short-term advantage to long-term public interest.

Their action is likely to lead to a dangerous and cynical disregard for parliamentary decisions, a boost to ruthless income leap-frogging and a hardening of industrial strife. We shall all be the losers in the long term and those with incomes a quarter of MPs' salaries will lose most.

Yours faithfully,  
ROBERT LEAPER,  
Birchcote,  
New North Road, Exeter, Devon.

From Mr H. R. Moner

Sir, The juxtaposition of recent news items gives rise to an uneasy feeling that the British State exists in a Puritanian of its own.

On the day that it was revealed that one of the principal reasons for a major Korean company to invest in the UK is the fact that "Korean wage costs ... have overtaken those of Britain" (Section 2, July 11) MPs were busy calculating the effect of a £9,000

salary increase on their personal bank balances and their pension prospects, and Mr Nelson Mandela had been receiving (well merited on his part) florid state hospitality with a level of splendour somewhat out of keeping with that of a nation boasting a workforce which it seems is now paid less than that of the people of Korea.

A legislature and a State more humble in their approach would surely be more appropriate to represent us the people.

Yours sincerely,  
H. R. MONER,  
48 St Helens Wood Road,  
Hastings, East Sussex.  
July 12.

From Mrs Carroll Powell

Sir, More Labour MPs than Tory

ones voted to give themselves a 26 per cent pay increase. Can we now expect Gordon Brown to propose a windfall tax on MPs' salaries?

Yours faithfully,  
CARROLL POWELL,  
27 Ingham Road, NW6.

employees will be allowed to work for more than 48 hours a week provided that it is voluntary. This directive is concerned solely with protecting those in the workforce who are most vulnerable to exploitation.

Yours faithfully,  
GEOFFREY MARTIN,

Head of the Representation of the European Commission in the United Kingdom.

8 Storey's Gate, SW1.

July 9.

From Mr Stephen S. Hughes

MEP for Durham (Socialist Group  
(Labour))

Sir, The recent preliminary ruling by the advocate general of the European Court of Justice (and the expected ruling of the full court) was on the question referred to the court by the UK Government: are the relevant provisions of the Single European Act an acceptable legal base for a directive on working time? The answer so far is yes.

This question therefore relates to provisions which considerably predate the opt-out provisions which a Conservative Government subscribed to and which apply unequivocally in the UK.

Yours faithfully,  
STEPHEN HUGHES

(President, Social Affairs and Employment Committee),

European Parliament,

97 Rue Belliard, 1047 Brussels.

July 8.

Letters should carry a daytime telephone number. They may be faxed to 0171-782-5046.

## LETTERS TO THE EDITOR

1 Pennington Street, London E1 9XN Telephone 0171-782 5000

### Effects of a buoyant US economy

From Mr Tim Yeo, MP for Suffolk South (Conservative)

Sir, Anatole Kaletsky's analysis of the reasons for the buoyant state of the United States economy ("Clinton, jobs and Keynes", July 9) has implications for this side of the Atlantic.

Although Europe may, as Kaletsky dismissively puts it, be "languishing in its worst depression since 1945", Britain is the shining exception to this generalisation, now enjoying sustainable growth and falling unemployment on a scale which almost rivals the US.

If Kaletsky is right in identifying interest-rate policy as the key ingredient in the recipe for achieving the virtuous outcome of non-inflationary growth, then credit must go to the Chancellor, whose judgments have proved so skilful since Britain left the exchange-rate mechanism.

Since interest-rate changes have an immediate and substantial impact on both household income and business cash flow, perhaps those politicians and pundits at present obsessed with tax cuts could now divert their attention to an even more important issue.

To try to run an economy without demand-management policies, relying solely on supply-side improvements, is like trying to steer a vessel by polishing the brass and scrubbing the decks while avoiding recourse to the rudder.

Yours faithfully,  
TIM YEO,  
House of Commons.  
July 9.

From Mrs Cynthia Macoby

Sir, Anatole Kaletsky's reminder of the importance of demand-management policies for the running of a successful economy is most welcome.

It should also be noted that demand management has a role to play in cutting the public-sector borrowing requirement (PSBR). An increase in public and private investment by stimulating growth in the economy increases tax revenues from incomes and expenditure and reduces welfare benefit payments for unemployment and income support.

Too often simplistic ideas of cutting public investment in order to reduce the PSBR have had the paradoxical result of increasing the PSBR, as we have seen in recent years. Cuts in government expenditure, for example, by reducing growth in the economy, result in increased expenditure on unemployment costs and reductions in tax revenue.

To try to run an economy without demand-management policies, relying solely on supply-side improvements, is like trying to steer a vessel by polishing the brass and scrubbing the decks while avoiding recourse to the rudder.

Yours faithfully,  
CYNTHIA MACOBY,  
115 Mortlake Road,  
Kew, Richmond, Surrey.

### Volte-face on a conference centre

From Dr Trevor I. Williams

Sir, It is ironic that the Royal Society should be among the scientific bodies advocating a large international conference centre (ICC) in London (letters, June 21, July 10).

During his presidency, 1945-50, Sir Robert Robinson had imaginative plans for a comprehensive science centre on the South Bank which would accommodate not only the Royal Society but all the other principal scientific societies, the research councils and possibly also the Patent Office and the (then) Department of Scientific and Industrial Research. It would also be able to stage very large international conferences.

The proposal had considerable support from the scientific community in general and from members of the Labour Government — notably Stafford Cripps and Herbert Morrison. A representative committee was set up to consult all interested parties.

Unfortunately Robinson's successor as president, Sir Edgar Adrian, and many of the fellows had no enthusiasm for this communal life. In a memorandum to Morrison, Adrian stated that the Society must not be expected to share his lecture hall with other societies except as a favour. In Burlington House the Royal Society has no difficulty in maintaining the independence and almost Olympian dignity and exclusiveness needed for a supreme scientific council.

A Scientific Societies Accommodation Committee (with Robinson as chairman) continued into Adrian's presidency but the scheme eventually faltered, partly through indifference and partly because the Government ran out of funds.

Robinson never







## Tenant was unaware of relevant fact

Regina v Westminster City Council, Ex parte Oberle  
Before Mr Justice Carnwath  
Judgment June 20

Unawareness that housing benefit was subject to limitations in relation to certain rents amounted to being "unaware of any relevant fact" within the meaning of section 6(3) of the Housing Act 1985.

Therefore a person who rejected a council's offer of accommodation and moved into private accommodation in the genuine but mistaken belief that the rent would be paid by housing benefit was not acting deliberately so as to render her homeless intentionally when she was unable to pay the rent.

Mr Justice Carnwath so held in the Queen's Bench Division when allowing an application for judicial review by Marian Oberle from a decision of Westminster City Council on February 20, 1996 and reaffirmed on April 18 that the applicant was intentionally homeless.

Mr Terence Gallivan for the applicant, Mr Clive Jones for the council.

MR JUSTICE CARNWATH said that the London Borough of Wandsworth had accepted the applicant, her husband and their two young children as being

unintentionally homeless and in priority need and had given them temporary accommodation at Frensham Drive in Putney pending a final offer.

They stayed there from July 1994 to July 1995. In May 1995 Wandsworth offered them permanent accommodation in a flat at Beaumont Road but they appealed against that offer on health grounds. The appeal was rejected and accordingly they accepted the offer and signed the tenancy agreement.

However, in the short period before the flat was ready they attempted to find private rented accommodation which would not be open to the same objections. They found through an estate agent a flat at Randolph Avenue in Maida Vale in a monthly rent of £910, equivalent to £120 a week.

Having made inquiries to satisfy themselves that the rent would be paid by housing benefit, they decided to take the property and reject the offer at Beaumont Road.

After they moved in they found out that their housing benefit entitlement would only be £180 a week and their appeal against that failed. The reason for the shortfall was that under the regulations in force at the time a proportion of the rent was disallowed if the rent officer held it to be unreasonably expensive.

The question raised was whether under section 6(3) of the 1985 Act she acted in good faith and while "unaware of any relevant fact", no issue was raised as to her good faith and it was argued on her behalf that the council should have found that she was unaware of a relevant fact, namely that

when assessed by comparison with rents payable on suitable alternative accommodation in the area.

Being unable to meet the shortfall in the rent they applied to Westminster City Council for housing as being threatened with homelessness. The council refused their application on the ground that they were intentionally homeless.

The council's case was that the applicant and her husband were the authors of their own misfortune, that they were never in a position to pay the rent at Randolph Avenue and that they should have taken the Beaumont Road accommodation. The applicant said that she assumed from the rent that would be covered by housing benefit.

His Lordship said there was no doubt that the applicant acted deliberately when taking the property and as a result the property came to be available for her family.

The question raised was whether under section 6(3) of the 1985 Act she acted in good faith and while "unaware of any relevant fact", no issue was raised as to her good faith and it was argued on her behalf that the council should have found that she was unaware of a relevant fact, namely that

housing benefit was available only to pay a proportion of the rent.

His Lordship said that section 6(3) was not without its difficulties. The test was not the reasonableness of the applicant's actions but whether they were taken in ignorance. That might seem unjust.

A person who took the trouble to find out the relevant facts, but made a reasonable but mistaken judgment could not apparently claim the benefit of the section.

Although that interpretation might not accord with what one would normally understand by a reference in a statute to a "relevant fact", it was an interpretation by which his Lordship was bound.

It was perhaps justified by the general intent of the Act to ensure that those who found themselves under the extreme pressures of homelessness should not be penalised except for decisions made with their eyes fully open.

If the applicant had acted in the genuine belief that she would have no difficulties with housing benefit, then it was difficult to see why she should not be regarded as a "relevant fact" just as was the belief of the Tramkles as to the prospects of the inn business.

If the council thought they had made no genuine investigation of the manner, their stated belief might have been dismissed as mere aspiration.

Solicitors: Daniel & Harris, Kilburn; Mr Colin T. Wilson, Westminster.

future employment could be treated as "awareness of a relevant fact" for the purposes of section 6(3), provided it was sufficiently specific to employment or housing opportunities, and it was based on some genuine investigation and not mere "aspiration".

Although that interpretation might not accord with what one would normally understand by a reference in a statute to a "relevant fact", it was an interpretation by which his Lordship was bound.

A person who took the trouble to find out the relevant facts, but made a reasonable but mistaken judgment could not apparently claim the benefit of the section.

The scope of the concept of "fact" in the context of section 6(3) had been considered in several cases which were reviewed by the Court of Appeal in two cases: *R v Exeter City Council, Ex parte Tramkles* ([1994] 26 HLR 244), where the applicants left settled accommodation to take over an inn, but became homeless when their tenancies failed; and *R v English Borough Council, Ex parte Subhija* ([1994] 26 HLR 726), where a lady from Bangladesh came to this country in the mistaken view that she would be able to find work and accommodation here.

His Lordship said that the effects of those two decisions was that the applicant's appreciation of the prospects of future housing or

employment could be treated as "awareness of a relevant fact" for the purposes of section 6(3).

Under the Inheritance (Provision for Family and Dependents) Act 1975 provision for a widow whose deceased husband had not made "reasonable financial provision" for her in his will depended on consideration of what would be reasonable in all the circumstances

In re Krubert (Deceased)  
Before Lord Justice Nourse and Mr Justice Cazalet  
Judgment June 27

Under the Inheritance (Provision for Family and Dependents) Act 1975 provision for a widow whose deceased husband had not made "reasonable financial provision" for her in his will depended on consideration of what would be reasonable in all the circumstances

Although that interpretation might not accord with what one would normally understand by a reference in a statute to a "relevant fact", it was an interpretation by which his Lordship was bound.

It was perhaps justified by the general intent of the Act to ensure that those who found themselves under the extreme pressures of homelessness should not be penalised except for decisions made with their eyes fully open.

If the applicant had acted in the genuine belief that she would have no difficulties with housing benefit, then it was difficult to see why she should not be regarded as a "relevant fact" just as was the belief of the Tramkles as to the prospects of the inn business.

If the council thought they had made no genuine investigation of the manner, their stated belief might have been dismissed as mere aspiration.

Solicitors: Daniel & Harris, Kilburn; Mr Colin T. Wilson, Westminster.

The court in deciding the issue did not have to take as its starting point consideration of what she would have received had divorce instead of death divided them but was to have regard to all the matters set out in section 30(4) and (5) of the Act.

The Court of Appeal so held allowing an appeal by Vladislav Krubert and Anna Vasova, beneficiaries under the will of the testator, Frank Krubert, deceased, from the judgment of Mr Recorder J. T. Curran in Caernarfon County Court in October 1995 on an application by the widow, Elsie Krubert.

Having found that the testator had not made "reasonable financial provision" in his will for the applicant, the recorder ordered that other than payments of £7,000 to each of the beneficiaries, the whole of his estate, including the matrimonial home, was to go to her absolutely.

By section 31(1) of the 1975 Act a surviving spouse could apply for an order under section 2 of the Act that provision be made for her from the deceased's estate as if she had been a matrimonial entitlement under sections 25 and 25A of the Matrimonial Causes Act 1973.

Assuming that that was the case, the testator had made a disposition of assets as at the date of death (section 3(2)) and treating the assets in the deceased's estate as if they had been matrimonial assets valued as at the date of the hearing (section 3(5)).

But the judge did not refer to *In re Bremner* ([1984] 1 Ch 488, 469) where Lord Justice Oliver had said of an application under the 1975 Act by a surviving spouse that "the figure resulting from the section 25 of the Matrimonial Causes Act 1973 exercise is merely one of the

## Diabetic driver dangerous

Regina v Marison  
Before Lord Justice McCowan, Mr Justice McCullough and Mr Justice Toulson  
Judgment July 8

When a diabetic driver, who was aware that there was a real risk that he would have a sudden hypoglycaemic attack, got into his car and started to drive and such an attack occurred, resulting in his car veering, crashing into an oncoming vehicle and killing its driver, such driving fell within the definition of dangerous driving within section 173 of the Road Traffic Act 1988, as substituted by section 1(1) of the 1991 Act.

The Court of Appeal Criminal Division, so held when dismissing the appeal of Lee John Marison against his conviction, following a plea of guilty on April 30, 1995 at Ipswich Crown Court (Judge Turner) of causing death by dangerous driving.

Mr Stewart Wernham, assigned by the Registrar of Criminal Appeals, for the applicant; Mr Peter Fenn for the prosecution.

LORD JUSTICE McCOWAN, giving the judgment of the court, said that the applicant changed his plea to guilty following a voir-dire in which the judge found that the applicant was fully aware when in his car that he was prone to hypoglycaemic attacks without warning, that that constituted "circumstances of which he could be expected to be aware" and of which he had knowledge, and that the facts in this case could amount to dangerous driving.

In *R v Woodward (Tenter)* (The Times December 7, 1994) [1995] 1 WLR 375 a case of self-induced intoxication, Lord Justice Taylor of Gosforth, Lord Chief Justice, said that it would be strange if Parliament intended to make driving a vehicle in a dangerously defective state an offence under the section but not driving when the driver was in a dangerously defective state due to drink.

Drink did not arise in the present case, but the evidence in the case was that the applicant was in a dangerously defective state due to diabetes. There was no difference in principle.

The point was whether the driver in question had knowledge of the circumstances in question.

Undoubtedly this driver did. The judge had ruled correctly.

Lord Justice Neil and Lord Justice Milliet agreed.

Solicitors: Seddons: Bray Walker.

## Reasonable financial provision for widow

court, in addition to the matters referred to in section 30(1), should have regard to the provision that the applicant might reasonably have expected to receive if on the day the deceased had died the marriage, instead of being terminated by death, had been terminated by a decree of divorce.

Mr Gareth Jones for the beneficiaries; Mr Anthony O'Toole for the applicant.

LORD JUSTICE NOURSE said that the deceased, born in 1911, had married the applicant, now aged nearly 90, in 1930. They had no children. In 1952, having acquired a plot of land in his sole name, the deceased had built a house in which he and the applicant had thereafter lived. The £200 paid for the plot had been put up by the applicant.

The approach adopted in *Moody v Stevenson* might have caused confusion, especially in cases concerning small estates. That was understandable as on a divorce two parties had to be provided for: on death there was only one.

The approach adopted by Lord Justice Oliver in *In re Bremner* was preferable and should be adopted accordingly.

Mr Jones' basic submission was that the judge's order amounted to a wholesale redistribution of the deceased's estate beyond what was required to make reasonable financial provision for the applicant. The judge, he said, had effectively and unjustifiably rewritten the provisions of the deceased's will.

That submission was made out. The judge erred in principle in awarding the applicant an absolute interest in the house. The applicant, although in good health, was nearly 90. If she moved from the house it would be sheltered accommodation. No case was made out for giving her an absolute interest in the house.

The deceased in his will had not, however, made reasonable financial provision for the applicant's needs. In the circumstances, the reasonable course for the court to take was to direct that the applicant was to take an absolute interest in the whole of the assets of the estate except for the house in which she was to have a life interest.

Mr Justice Cazalet delivered a concurring judgment.

Solicitors: Richard Wilson & Co, Pangbourne; Campbell Hooper for Elwyn Jones & Co, Bangor.

## Justices have broad discretion

Regina v Newport Justices, Ex parte Carey

In deciding whether to exercise their power under section 142 of the Magistrates' Courts Act 1980 to reopen the case of a defendant convicted in his absence, justices were entrusted with a broad discretion and were entitled to take into account the fact that the defendant failed to appear through his own fault, and that witnesses would be inconvenienced by a trial.

They were also entitled to take into account the apparent strength of the prosecution case although little weight should generally be attached to that factor.

The Queen's Bench Divisional Court (Lord Justice Henry and Mr Justice Ebdon) so held on June 7, dismissing Richard Michael Carey's application for judicial review of the refusal of Newport (Gwent) Justices on October 18, 1995, to set aside his conviction in his absence on October 4, 1995 of various offences.

LORD JUSTICE HENRY said that the justices were not finally shutting out the defendant who had an unenforced right of appeal to the crown court under section 108 of the 1980 Act.

The justices were entrusted with a broad discretion and the way they exercised it did not deprive the applicant of a fair trial. What they did was to emphasise rightly, the inconvenience to witnesses when defendants, through their own fault, did not attend and indicated that there was a limit to the court's patience.

The applicant had offered up to £10,000 to the respondent for the right to pursue an action against his creditors.

The right, held by him until his bankruptcy, had been vested in the respondent under section 306 of the 1980 Act.

The sum was considered by the district judge as derisory given that the action was a substantial one.

LORD JUSTICE NOURSE said that the Official Receiver had made it clear that not only were there unlikely to be any funds in the debtor's estate to pursue the action but that the creditors had not given an indication they would put up funds.

The Official Receiver was entitled not to accept the offer and it was not arguable that a trustee in bankruptcy was bound to dispose of an asset of the bankrupt at the only price which had been offered if that price was a derisory one.

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The appeal was allowed and the conviction quashed.

Solicitors: Edward Harte & Co, Brighton; Crown Prosecution Service, Brighton.

Correction

In *R v Preddy* (The Times July 11) leading counsel for Preddy was Mr Ivan Krolick.

## Squatter's adverse possession of property

Chung Ping Kwan and Others v Lam Island Development Co Ltd

On determination of the lease the landlord was entitled to oust the squatter however long he might have been there. Those claiming through the landlord were similarly entitled, and so if he granted a new lease the lessee thereof could eject the squatter even if the lessee under the new lease was the same person as the lessee under the original lease.

LORD NICHOLLS said that it was a basic principle of the English and Hong Kong limitation statutes that time began to run against a squatter's right to renew the lease, and the legal estate which flowed from that right, as much as it barred the lessee from asserting against the squatter other rights granted to him by the lease.

The Judicial Committee of the Privy Council (Lord Keith of Kirkhead, Lord Jauncey of Tullichettle, Lord Nicholls of Birkenhead, Lord Steyn and Sir Christopher Slade) so held on July 8, in allowing an appeal by the appellants, Chung Ping Kwan.

However, if the original lease contained an option for the lessee to renew the lease the lessee had a right in respect of property which he could enforce against the landlord.

There was no reason why, as between him and the trespasser, the new lease was extinguished.

The Lord Chief Justice, delivering the judgment of the court, said that the appeal was clearly capable of showing no more than the correctness of the judge's ruling of law that there was a case fit for the jury's consideration. Was the evidence sufficient in law to support a finding that the appellant did an act which was more than merely preparatory to the commission of the offence.

Mr John Aspinall, QC and Mr Christopher de Havas for the appellant; Mr John Tancer for the Crown.

THE LORD CHIEF JUSTICE, delivering the judgment of

## NEWS

## IRA bomb plot nipped in bud

■ An IRA plot to bomb gas, water and power installations and cause severe disruption to London and the South-East was halted by Scotland Yard detectives yesterday.

Hours before the first bomb was due to be primed, armed police struck at addresses in south London and discovered 36 devices under construction. Seven men were arrested. The targets would have included electricity switching centres, pumping stations and gas plants. Page 1

## Botham hits out in court

■ Ian Botham went into the witness box in the High Court yesterday to defend himself against Imran Khan's allegations of cheating and racism. The former England cricket captain, who is suing Imran for libel, said: "To be called a cheat is something I take great offence to." Pages 1, 3

## Law chief ousted

Martin Mears, the controversial president of the Law Society, was ousted from office last night after a knife-edge vote in which he polled 641 votes fewer than Tony Girling. Page 1

## Lester withdraws

Labour's Shadow Cabinet elections took a fresh twist yesterday when Joan Lester, the veteran leftwinger, announced that she would not be standing in next week's poll. Page 2

## Doctor returns

Edward Shaxted, the consultant gynaecologist convicted of indecently assaulting a waitress by putting his hand up her skirt is to return to work at Northampton hospital this week. Page 3

## Siamese twins die

The Siamese twins who were born sharing a heart died last night. The baby girls died in their parents' arms. Page 3

## Archbishop criticised

The Dean of Lincoln criticised the Archbishop of Canterbury for calling for his resignation and that of the subdean, saying it was "regrettable". Page 4

## Royal divorce

In a bare, functional courtroom, the marriage of the Prince and Princess of Wales was provisionally ended in a legal production-line process lasting barely two minutes. Page 5

## Television 'Friends' fall out over pay

■ Cast members of *Friends*, the American television sitcom, have threatened to go on strike. In an unusual bout of militancy, the show's stars, all of them highly bankable, are behaving in anything but an amicable manner towards their production bosses. They are demanding a minimum payment of \$100,000 (£64,000) each per episode. Page 13

## Coverage restricted

Reporting on the complex private lives of the Third Baron Moynihan, who ran brothels in the Philippines, has been restricted by the High Court. Pages 6, 17

## Widower's lifeline

The husband of Lin Russell, who was murdered with her daughter last week, said that having to help their elder daughter to recover kept him going. Page 3

## Husband grounded

A pilot whose wife was struck by debris as he crash-landed his plane promised to give up flying.

She is making a good recovery from head injuries. Page 3

## US-Saudi clash

The US and Saudi Arabia clashed over the investigation into the terrorist bombing that killed 19 Americans and over the Pentagon's wish to move its forces to safer locations. Page 11

## EU retaliation plan

European ministers prepared retaliation plans against the US if President Clinton fails to suspend aspects of a new law on trade with Cuba. Pages 12, 17

## Yeltsin absent

Al Gore, the US Vice-President, appeared angry after arriving at the Kremlin for a meeting with President Yeltsin only to be told he had gone on holiday. The Russian leader was said to be resting. Page 13

## AA roadwatch

AA roadwatch is charged at 30p per minute (cheaper at 10pm) and 49p per minute at all other times.



Hindus bathe in holy waters in Bombay yesterday to mark the start of an astrologically auspicious festival. Elsewhere in India, however, the festival was marked by stampedes in which 60 people were suffocated or trampled to death. Report, page 11

## BUSINESS

Energy shares fall: Shares of British Energy fell sharply, leaving private investors who backed the controversial privatisation of the operator of the eight most modern nuclear power stations with substantial losses. Page 23

Lloyd's vote: Lloyd's of London took a crucial step towards securing its future when thousands of names promised to pay £440 million towards the market's settlement package. Page 23

Jobs fair: More than 1,000 retail jobs are at risk after Escom UK, the computer retailer, was put into receivership. Page 24

Markets: The FT-SE 100 index fell 30 points to 3,698.3. The pound fell 12 cents to \$1.5608 and .73 pence to DM2.3555. Page 26

## SPORT

Golf: Tom Watson withdrew from the British Open because of a shoulder injury. He had played in the championship continuously since 1975. Page 44

Rugby Union: Officers of the beleaguered Rugby Football Union were locked in talks in an effort to break the deadlock that exists between them and the three other home unions. Page 44

Football: Karel Poborski, the Czech Republic midfielder, should today become a Manchester United player despite a resurgence of interest from Liverpool. Page 44

Cricket: England's women fought a remarkable rearguard action to escape with a draw in the third and final Test match with New Zealand. Page 40

## ARTS

Scrap sculpture: A "glacial parable for our times" is how Richard Cork describes Michael Landy's disturbing sculpture, *Scrapheap Services*, which satirises the callous side of modern life. Page 35

Dublin's fair Féile: A three-day rock festival at the Point in Dublin attempted to recapture the spirit of the open-air festival, despite the heavy security. Page 37

Handel revived: Using mostly British musicians and singers, the Göttingen Handel Festival has revived interest in the composer's neglected operas. Page 36

Pop's missing goddesses: Why do female British pop singers find it difficult to sustain their careers? Will Cathy Dennis buck the trend with her new album? Page 37

## FEATURES

Westminster lives: The final part of our series on the pressures of politics on family life, and how Tessa Jowell copes with being an MP, a wife and a mother. Page 15

## BODY AND MIND

Little girls in pretty boxes: When the Olympic Games start on Friday, the highlight for many will be women's gymnastics. But a new book suggests that the road to gold may be lined with physical and mental torture. Page 14

## LAW

Hidden crime: Casualty departments confirm the extent of unrecorded violence. How far should accident and emergency departments go in telling police about criminal behaviour? Page 31

## TV LISTINGS

Preview: A Russian lawyer falls in love with the killer she is prosecuting. *True Stories* (Channel 4, 9pm). Review: Peter Barnard on the origins of a would-be *Princ* Minister. Page 1

## OPINION

## Continental shift

A Labour Party that took the pledge not to enter the European monetary union in the lifetime of the next Parliament would have both the parliamentary time to pursue Blair's agenda at home and be more likely to get elected in the first place. Page 1

## Pigs again

European lack of support for American efforts to put pressure on the Castro regime has rankled for many years and led directly to the current transatlantic crisis. Europeans, who say that their quarrel with America is over means rather than ends, would do well to re-examine their own policies towards Cuba. Page 1

## Proportion in court

There is a clear public interest in the right to sit in the House of Lords. It is curious—at best—the Judicial Proceedings Act which dates from 1920, should be used to inhibit coverage of the Moynihan case. Page 1

## COLUMNS

## ANTHONY HOWARD

The one way in which the amateur of the Scott Trust may now have last chance to redeem their errors is by not standing idly by while *The Observer*, with its own distinctive character and personality, is gradually and remorselessly swallowed up into the great maw of *The Guardian*. Page 1

## WOODROW WYATT

The mainland British have the great gift of being able to assimilate in language, custom and outlook immigrants of all races from everywhere in the world. That gift has failed to cross the Irish Sea. Page 16

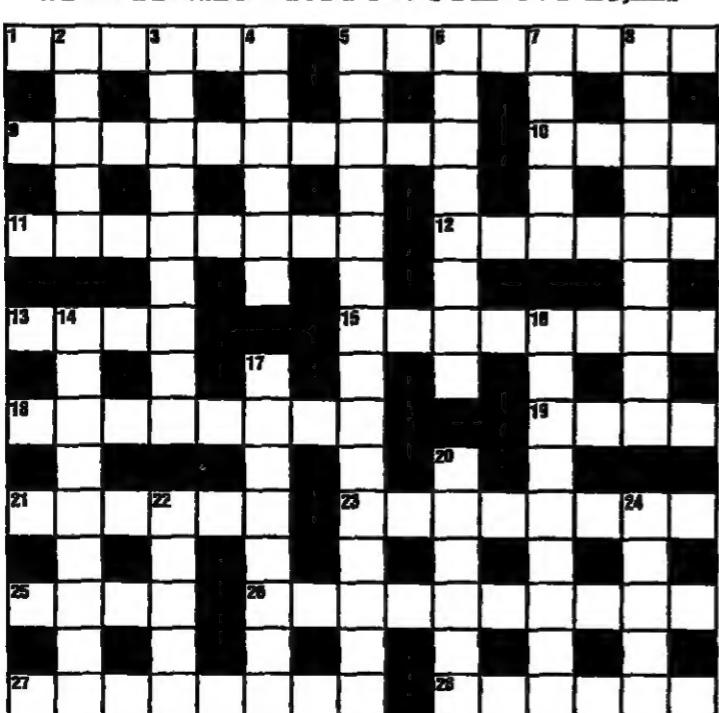
## OBITUARIES

John Boon, publisher; Walter Hassau, engineer; Rajiv Kumar, Indian film actor. Page 19

## LETTERS

Next steps in Ulster: London conference centre; the economy; Scottish and Welsh devolution; MPs' pay; 48-hour week. Page 17

## THE TIMES CROSSWORD NO 20,221



## ACROSS

1 A doctor provided treatment, initially without purpose (6).  
5 Infantry occupy secure position for advance (8).  
9 Appropriate fact is once misconstrued (10).  
10 Track of a wading bird (4).  
11 In which a churchwarden may stand out (4-4).  
12 Such endless air trouble for this early aviator (6).  
13 Boss of the establishment relying on good breeding (4).  
15 Period, last century, of Einstein's development (8).  
18 Concern for others, expressed as a Liberal platitude (8).  
19 Sounds like hounds or hunters, perhaps (4).  
21 Brown coal left out to burn (6).

Solution to Puzzle No 20,220

LOCOMOTION FIRM  
A O A I U N O  
A ILLUSTRATE MIEEN  
D TIE H L T I O  
DENDROLOGIST  
A P R U N A H  
ETRUSCANS DELIVE  
M O T N E O O I  
ENTER ARSONISTS  
M R O T B E T  
BLACKCOUNTRY  
E G E M Y I P L  
H I T Z D I L L Y D A L  
E D S O G U L  
D O R Y STANDERSBY

23 As supercilious as Caroline? (8).  
25 Brandy to spoil concentration at first (4).  
26 Estrangement from Natalie? No, I reform (10).  
27 Whip. Conservative, is in hurry (8).  
28 Apprentice does not begin to be a breadwinner (6).  
29 AA roadwatch is charged at 30p per minute (cheaper at 10pm) and 49p per minute at all other times.

## TIMES CROSSWORD

For the latest weather by region forecast, 24 hours a day, dial 0336 401 followed by the appropriate code:

Greater London 701  
Kent/Surrey/Sussex 702  
London 703  
Beds/Herts/Essex 704  
Devon/Cornwall 705  
Wilt/Glos/Avon/Som 706  
Berks/Bucks/Oxon 707  
Lincs/Notts/Leics 708  
North/Suffolk/Cambs 709  
West Mids/Staffs/Gloucs 710  
West Yorks/Shef/Don 711  
W/C Yorks 712  
N/E England 713  
N/E Scotland 714  
W/C Scotland 715  
Edin/Forfar/Perth 716  
Edinburgh 717  
Orkney 718  
Shetland 719  
Northern Ireland 720  
AA roadwatch is charged at 30p per minute (cheaper at 10pm) and 49p per minute at all other times.

## AA ROADWATCH

For the latest AA traffic/works information, 24 hours a day, dial 0336 401 followed by the appropriate code:

Area code 723  
Essex/Herts/Beds/Essex/Bucks/Oxon 724  
Kent/Surrey/Sussex/Hants 725  
West London/Orbit only 726

National motorways 727

Local traffic, roadworks 728

Motorways 729

East Anglia 730

North-West England 731

North-East England 732

Scotland 733

Northern Ireland 734

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## HIGHEST &amp; LOWEST

Yesterday: Highest day temp: Molday, Hartlepool 20.4°C; Lowest: Ballymena, Co Antrim 13.6°C; Highest rainfall: Llanwrtyd, Powys 10.4mm; Lowest rainfall: Morecambe, Lancashire 15.5mm.

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